

NOTICE OF OFFICE OF MANAGEMENT AND BUDGET ACTION

Diana Hynek 06/06/2003
Departmental Paperwork Clearance Officer
Office of the Chief Information Officer
14th and Constitution Ave. NW.
Room 6625
Washington, DC 20230

In accordance with the Paperwork Reduction Act, OMB has taken the following action on your request for approval of a revision of an information collection received on 03/25/2003.

TITLE: Alaska Region Logbook Family of Forms

AGENCY FORM NUMBER(S): None

ACTION : APPROVED WITHOUT CHANGE

OMB NO.: 0648-0213

EXPIRATION DATE: 07/31/2005

BURDEN:	RESPONSES	HOURS	COSTS(\$,000)
Previous	76,846	32,329	128
New	86,846	36,705	188
Difference	10,000	4,376	60
Program Change		3,300	60
Adjustment		1,076	0

TERMS OF CLEARANCE: None

OMB Authorizing Official Title

Donald R. Arbuckle Deputy Administrator, Office of
Information and Regulatory Affairs

PAPERWORK REDUCTION ACT SUBMISSION

Please read the instructions before completing this form. For additional forms or assistance in completing this form, contact your agency's Paperwork Clearance Officer. Send two copies of this form, the collection instrument to be reviewed, the supporting statement, and any additional documentation to: Office of Information and Regulatory Affairs, Office of Management and Budget, Docket Library, Room 10102, 725 17th Street NW, Washington, DC 20503.

1. Agency/Subagency originating request	2. OMB control number b. <input type="checkbox"/> None a. _____ - _____
3. Type of information collection (<i>check one</i>) a. <input type="checkbox"/> New Collection b. <input type="checkbox"/> Revision of a currently approved collection c. <input type="checkbox"/> Extension of a currently approved collection d. <input type="checkbox"/> Reinstatement, without change, of a previously approved collection for which approval has expired e. <input type="checkbox"/> Reinstatement, with change, of a previously approved collection for which approval has expired f. <input type="checkbox"/> Existing collection in use without an OMB control number For b-f, note Item A2 of Supporting Statement instructions	4. Type of review requested (<i>check one</i>) a. <input type="checkbox"/> Regular submission b. <input type="checkbox"/> Emergency - Approval requested by _____ / _____ / _____ c. <input type="checkbox"/> Delegated 5. Small entities Will this information collection have a significant economic impact on a substantial number of small entities? <input type="checkbox"/> Yes <input type="checkbox"/> No 6. Requested expiration date a. <input type="checkbox"/> Three years from approval date b. <input type="checkbox"/> Other Specify: _____ / _____
7. Title	
8. Agency form number(s) (<i>if applicable</i>)	
9. Keywords	
10. Abstract	
11. Affected public (<i>Mark primary with "P" and all others that apply with "x"</i>) a. <input type="checkbox"/> Individuals or households d. <input type="checkbox"/> Farms b. <input type="checkbox"/> Business or other for-profit e. <input type="checkbox"/> Federal Government c. <input type="checkbox"/> Not-for-profit institutions f. <input type="checkbox"/> State, Local or Tribal Government	12. Obligation to respond (<i>check one</i>) a. <input type="checkbox"/> Voluntary b. <input type="checkbox"/> Required to obtain or retain benefits c. <input type="checkbox"/> Mandatory
13. Annual recordkeeping and reporting burden a. Number of respondents _____ b. Total annual responses _____ 1. Percentage of these responses collected electronically _____ % c. Total annual hours requested _____ d. Current OMB inventory _____ e. Difference _____ f. Explanation of difference 1. Program change _____ 2. Adjustment _____	14. Annual reporting and recordkeeping cost burden (<i>in thousands of dollars</i>) a. Total annualized capital/startup costs _____ b. Total annual costs (O&M) _____ c. Total annualized cost requested _____ d. Current OMB inventory _____ e. Difference _____ f. Explanation of difference 1. Program change _____ 2. Adjustment _____
15. Purpose of information collection (<i>Mark primary with "P" and all others that apply with "X"</i>) a. <input type="checkbox"/> Application for benefits e. <input type="checkbox"/> Program planning or management b. <input type="checkbox"/> Program evaluation f. <input type="checkbox"/> Research c. <input type="checkbox"/> General purpose statistics g. <input type="checkbox"/> Regulatory or compliance d. <input type="checkbox"/> Audit	16. Frequency of recordkeeping or reporting (<i>check all that apply</i>) a. <input type="checkbox"/> Recordkeeping b. <input type="checkbox"/> Third party disclosure c. <input type="checkbox"/> Reporting 1. <input type="checkbox"/> On occasion 2. <input type="checkbox"/> Weekly 3. <input type="checkbox"/> Monthly 4. <input type="checkbox"/> Quarterly 5. <input type="checkbox"/> Semi-annually 6. <input type="checkbox"/> Annually 7. <input type="checkbox"/> Biennially 8. <input type="checkbox"/> Other (describe) _____
17. Statistical methods Does this information collection employ statistical methods <input type="checkbox"/> Yes <input type="checkbox"/> No	18. Agency Contact (person who can best answer questions regarding the content of this submission) Name: _____ Phone: _____

19. Certification for Paperwork Reduction Act Submissions

On behalf of this Federal Agency, I certify that the collection of information encompassed by this request complies with 5 CFR 1320.9

NOTE: The text of 5 CFR 1320.9, and the related provisions of 5 CFR 1320.8(b)(3), appear at the end of the instructions. *The certification is to be made with reference to those regulatory provisions as set forth in the instructions.*

The following is a summary of the topics, regarding the proposed collection of information, that the certification covers:

- (a) It is necessary for the proper performance of agency functions;
- (b) It avoids unnecessary duplication;
- (c) It reduces burden on small entities;
- (d) It used plain, coherent, and unambiguous terminology that is understandable to respondents;
- (e) Its implementation will be consistent and compatible with current reporting and recordkeeping practices;
- (f) It indicates the retention period for recordkeeping requirements;
- (g) It informs respondents of the information called for under 5 CFR 1320.8(b)(3):
 - (i) Why the information is being collected;
 - (ii) Use of information;
 - (iii) Burden estimate;
 - (iv) Nature of response (voluntary, required for a benefit, mandatory);
 - (v) Nature and extent of confidentiality; and
 - (vi) Need to display currently valid OMB control number;
- (h) It was developed by an office that has planned and allocated resources for the efficient and effective management and use of the information to be collected (see note in Item 19 of instructions);
- (i) It uses effective and efficient statistical survey methodology; and
- (j) It makes appropriate use of information technology.

If you are unable to certify compliance with any of the provisions, identify the item below and explain the reason in Item 18 of the Supporting Statement.

Signature of Senior Official or designee

Date

Agency Certification (signature of Assistant Administrator, Deputy Assistant Administrator, Line Office Chief Information Officer, head of MB staff for L.O.s, or of the Director of a Program or StaffOffice)	
Signature	Date
Signature of NOAA Clearance Officer	
Signature	Date

**SUPPORTING STATEMENT
FOR REVISION OF THE
ALASKA REGION LOGBOOK FAMILY OF FORMS**

OMB Number 0648-0213

Prepared by
National Marine Fisheries Service
Alaska Region



November, 2002

INTRODUCTION

The Magnuson-Stevens Fishery Conservation and Management Act in 1976 (Magnuson-Stevens Act) authorizes the North Pacific Fishery Management Council (Council) to prepare and amend fishery management plans for any fishery in waters under its jurisdiction. National Marine Fisheries Service (NMFS) manages the groundfish fisheries in the exclusive economic zone off Alaska under the Fishery Management Plan for Groundfish of the Gulf of Alaska (GOA FMP) and the Fishery Management Plan for the Groundfish Fishery of the Bering Sea and Aleutian Islands (BSAI FMP). Regulations governing U.S. fisheries and implementing the FMPs appear at 50 CFR parts 600 and 679. One of the regulatory steps taken to carry out the conservation and management objectives is the requirement for recordkeeping and reporting (R&R) by users of the resources. The R&R collection-of-information is a dynamic system developed by the Council in close coordination with the fishing industry.

The NMFS, Alaska Region manages the commercial groundfish harvests off Alaska based on an annual quota or total allowable catch (TAC) reported in round weight. Management of each quota is monitored through this collection-of-information.

JUSTIFICATION

The following 18 responses provide the justification for this action.

1. Explain why you need to conduct the information collection.

This action combines the requirements of the IFQ Program (OMB No. 0648-0272) to submit an IFQ shipment report with the requirements of the Groundfish Program to submit a Product Transfer Report (PTR) on a new, revised PTR. Both forms were used to document movement of fish product in and out of a processor. This action would result in the removal of information duplication, increased efficiency, and simplified data collection.

2. Explain how, by whom, how frequently, and for what purpose the information will be used.

NOAA's Information Quality Guidelines apply. This collection complies with the Guidelines.

The PTR information is used by the NOAA Office for Law Enforcement (OLE) to monitor and inspect shipments to verify proper accounting for fish landings.

With this action, the operator of a mothership or catcher/processor, the manager of a shoreside processor or stationary floating processor, or the IFQ Registered Buyer, other than those conducting dockside sales, must complete and submit on a separate PTR each transfer of non-IFQ groundfish product, IFQ halibut product, IFQ sablefish, CDQ halibut, or donated prohibited species to OLE at Juneau, Alaska. Three exceptions to this requirement exist.

1. Individual sales or transfers of groundfish bait aggregated onto one daily PTR;
 2. Individual retail sales of groundfish for human consumption, where each sale weighs less than 10 lb, aggregated onto one daily PTR; or
 3. Wholesale sales by species, if invoices detailing destinations for all of the product are available for inspection by an authorized officer, aggregated onto one daily PTR.
- IFQ Registered Buyers are not required to submit a PTR for "receipt" of IFQ halibut, CDQ halibut, or IFQ sablefish.

Product Transfer Report

Whether an original or revised PTR

Whether you are the shipper or receiver;

Whether the shipment or receipt is for any combination of non-IFQ groundfish, IFQ products, or CDQ halibut products and record information for each product transferred. If shipment consists of donated prohibited species caught while participating in groundfish fisheries, mark the box "groundfish."

Receiver information. If documenting receipt of non-IFQ groundfish

Check "Receiver"

Your representative's name, telephone number, and FAX number

Start and finish date and time of product transfer

Position of product transfer (if applicable)

Port or location of transfer

Enter under "Receiver" Your processor's name, Federal fisheries or Federal processor permit

Enter under “Shipper” Other processor’s name and Federal fisheries or Federal processor permit (if applicable)

Shipper Information. If documenting transfer of product away from your facility or transfer of product off of your vessel

Check “Shipper”

Your representative’s name, telephone number, and FAX number

If you are shipping non-IFQ groundfish, enter your processor’s name, Federal fisheries or Federal processor permit number

If you are shipping IFQ halibut, CDQ halibut or IFQ sablefish, enter your IFQ Registered Buyer name and permit number

If you are shipping both non-IFQ groundfish and IFQ halibut, CDQ halibut or IFQ sablefish on the same PTR, enter your processor’s name and Federal fisheries permit number or Federal processor permit number; or your IFQ Registered Buyer’s name and permit number

Receiver information

Date and time of product transfer

Location of product transfer (e.g., port, position coordinates, or city)

Mode of transportation

Intended route

Products shipped or received. Record for each product transferred:

Species code and product code

Species weight. Use only if recording two or more species with one or more product types contained within the same production unit. Enter the actual scale weight of each product of each species to the nearest kilogram or pound (indicate which). If not applicable, enter “n/a” in the species weight column. If using more than one line to record species in one carton, use a bracket “}” to tie the carton information together.

Number of units. Total number of production units (blocks, trays, pans, individual fish, boxes, or cartons; if iced, enter number of totes or containers).

Unit weight. Unit weight (average weight of single production unit as listed in “No. of Units” less packing materials) for each species and product code in kilograms or pounds (indicate which).

Total weight. Total weight for each species and product code of shipment less packing materials in kilograms or pounds (indicate which).

Total or partial offload.

If a mothership or catcher/processor, whether the transfer is a total or partial offload

If a partial offload, for the products remaining on board after the transfer, enter

species code

product code

total product weight to the nearest kilogram or pound (indicate which) for each product.

PTRs are submitted by Registered Buyers for IFQ actions, and submitted by non-Registered Buyers for non-IFQ actions (or Registered Buyers reporting on non-IFQ actions), and the two groups will be filing a different number of reports per year.

205 respondents x 35 = 7,175 responses for non-IFQ actions.

800 respondents x 12.5 = 10,000 responses for IFQ actions.

Total = 17,175 responses

Total burden = 17,175 x .33 hr = 5,667.5 hr = 5,668 hr

This approach double-counts some people as respondents, but if the triggers for reporting are different then this is the only way to come up with the responses and response rates. It would be easiest to have two separate calculation tables dealing with the two groups. There is some duplication in respondents, but we have no estimate of that at this time.

Product Transfer Reports (PTR)	
Respondent (Registered Buyers for IFQ actions)	
Registered Buyers submitting for IFQ actions	800
No. of responses per respondent	12.5
Total annual responses	10,000
Hours per response	(20 min = .33 hr)
Total Time Burden , all responses (10,000 x .33)	3,300
Labor Cost Per Hour	\$25/hr
Cost to submit PTR by FAX	\$6
Total Cost to submit PTR by FAX (\$6 x 800 x 12.5)	\$60,000
Total personnel cost (3,300 x \$25)	\$82,500
Total miscellaneous cost	\$60,000

Respondent (non-Registered Buyers for non-IFQ actions)	
Non-Registered Buyers for non-IFQ actions	205
No. of responses per respondent	35
Total annual responses	7,175
Hours per response	(20 min = .33 hr)
Total Time Burden , all responses (7,175 x .33=2367.75)	2,368
Labor Cost Per Hour	\$25/hr
Cost to submit PTR by FAX	\$6
Total Cost to submit PTR by FAX (\$6 x 205 x 35)	\$43,050
Total personnel cost (2,368 x \$25)	\$59,200
Total miscellaneous cost	\$43,050

Federal Government	
Hours per response	(10 min = .17 hr)
Total Time Burden , all responses (17,175 x .17=2,919.75)	2,920 hr
Total Personnel Cost (2,920 hr x \$25)	\$73,000

3. Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological techniques or other forms of information technology, and the basis for the decision for adopting this means of collection.

In addition to current practice where processors FAX PTRs to OLE, the PTR is posted on the NMFS Alaska Region Home page and may be completed on-screen, printed and FAXed to NMFS. In some cases, industry representatives have created electronic versions of the PTR and submit the electronic file to OLE as an attachment to an e-mail message. NMFS is pursuing a fully automated method in the future whereby the completion of the file on-screen will be submitted directly and automatically into a database. OLE is developing software that will allow PTRs to be filed online by completing an internet form.

4. Describe your efforts to identify duplication with other collections.

The PTR is being modified to correct duplication with the IFQ shipment report.

5. If the collection will have a significant impact on small entities such as small businesses, organizations, or government bodies, describe the methods used to minimize the burden on them.

This change to the PTR will not have a significant impact on small entities, except that it will lessen the burden for those participants who are in both the IFQ Program and the Groundfish Program.

6. Describe the consequences to Federal program or policy activities if the collection would not be or would be conducted less frequently.

The specified revision to the PTR removes duplication in the IFQ Program and the Groundfish Program. Past management of the two programs has shown that duplication negatively affects both OLE and the fishing industry. OLE is better equipped to determine individual compliance when information is required as frequently as transfers of product.

7. Explain any special circumstances that require the collection to be conducted in a manner inconsistent with the OMB guidelines.

A PTR is required each time an operator, manager or IFQ Registered Buyer transfers IFQ halibut, IFQ sablefish, CDQ halibut, non-IFQ groundfish, or donated prohibited species from the original landing site to another location. This submittal is necessary for OLE to monitor storage and movement of processor's fish on a real-time basis in order to perceive potential illegal activities.

8. Provide a copy of the PRA *Federal Register* notice that solicited public comments on the information collection prior to this submission. Summarize the public comments received in response to that notice and describe the actions taken by the agency in response to those comments. Describe the efforts to consult with persons outside the agency to obtain their views on the availability of data, frequency of collection, the clarity of instructions and recordkeeping, disclosure, or reporting format (if any), and on the data elements to be recorded, disclosed, or reported.

The NMFS Alaska Region published a proposed rule in the Federal Register on January 24, 2003 (copy attached).

9. Explain any decision to provide any payment or gift to respondents, other than remuneration of contractors or grantees.

No payment or gift is provided under this program.

10. Describe any assurance of confidentiality provided to respondents and the basis for this assurance in statute, regulation, or agency policy.

The information collected is confidential under section 402(b) of the Magnuson-Stevens Act (16 U.S.C. 1801, *et seq.*). It is also confidential under NOAA Administrative Order 216-100, which sets forth procedures to protect confidentiality of fishery statistics. These procedures have been implemented under the NMFS Operations Manual entitled, "Data Security Handbook for the Northwest-Alaska Region, National Marine Fisheries Service."

11. Provide additional justification for any questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private.

This information collection does not involve information of a sensitive nature.

12. Provide an estimate in hours of the burden of the collection of information.

The estimated total number of responses is 86,846, up from 76,846. The estimated total annual burden hours is 36,705, up from 32,329. The estimated total personnel cost is \$1,397,140, up from \$1,280,980.

	Status	Respondent		
		Burden	Responses	\$Personnel
CV TRW DFL	No change	3,621	12,070	441,620
CV LGL DFL	No change	2,557	5,440	217,540
CP TRW DCPL	No change	3,200	6,400	97,280
CP LGL DCPL	No change	10,608	15,600	213,200
MS DCPL	No change	3,848	7,400	115,440
SS DCPL	No change	2,600	5,000	78,000
BSR	No change	1,018	2,680	20,360
MSCP CHK	No change	529	4,410	10,580
SS CHK	No change	226	1,740	4,520
MSCP WPR	No change	1,482	5,292	29,640
SS WPR	No change	252	900	5,040
DPR	No change	0	0	0
*PTR	Change	5,668	17,175	142,000
VAR	No change	324	1,407	6,480
MS FISHTCKT	No change	772	1,332	15,440
TOTALS		36,705	86,846	1,397,140

13. Provide an estimate of the total annual cost burden to the respondents or record-keepers resulting from the collection

The estimated total annual miscellaneous cost burden is \$188,162, up from \$128,162.

	Status	\$Misc
CV TRW DFL	No change	3,550
CV LGL DFL	No change	1,600
CP TRW DCPL	No change	320
CP LGL DCPL	No change	780
MS DCPL	No change	370
SS DCPL	No change	250
BSR	No change	134

	Status	\$Misc
MSCP CHK	No change	25,560
SS CHK	No change	8,490
MSCP WPR	No change	31,752
SS WPR	No change	3,420
DPR	No change	0
*PTR	Change	103,050
VAR	No change	8,442
MS FISHTCKT	No change	444
TOTALS		188162

14. Provide estimates of annualized cost to the Federal government.

The estimated total burden is 10,845 hours. The estimated total annual cost is \$243,695, up from \$195,095.

	Status	Burden	\$Prsnl
CV TRW DFL	No change	249	11,015
CV LGL DFL	No change	112	4,960
CP TRW DCPL	No change	29	1,220
CP LGL DCPL	No change	70	2,960
MS DCPL	No change	34	1,420
SS DCPL	No change	23	960
BSR	No change	0	0
MSCP CHK	No change	750	15,000
SS CHK	No change	230	4,600
MSCP WPR	No change	2,646	52,920
SS WPR	No change	3,078	61,560
DPR	No change	0	0
*PTR	Change	2,920	73,000
VAR	No change	704	14,080
MS FISHTCKT	No change	0	0
TOTALS		10845	243695

15. Explain the reasons for any program changes or adjustments reported in Items 13 or 14 of the OMB 83-I.

The actual change in burden is +4,376 hours.

This action includes a program change. The burden for participants to submit the PTR will increase by 3,300 hours due to changes in the regulations at 50 CFR 679.5. These changes remove the requirement for an IFQ shipment report and also to revise the PTR requirement to require IFQ Registered Buyers to submit a PTR to document transfer of product. This will result in an increase in burden and cost for the Groundfish Program PTR (0648-0213) and a corresponding decrease in burden and cost for the IFQ Program (0648-0272).

This action also includes an adjustment of +1,076 hours, which is the difference in the estimated response time for non-IFQ reports, going from 11 to 20 minutes.

16. For collections whose results will be published, outline the plans for tabulation and publication.

The information collected will not be published, and no statistical sampling of the information is planned.

17. If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons why display would be inappropriate.

In accordance with OMB requirements, the control number and the expiration date of OMB approval are shown on the forms and logbooks.

18. Explain each exception to the certification statement identified in Item 19 of the OMB 83-I.

This information collection does not request exceptions to the certification statement.

B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS

This collection does not employ statistical methods.

2003 PRODUCT TRANSFER REPORT



**National Marine Fisheries Service
P.O. Box 21668, Juneau, AK 99802
FAX: 907-586-7313
Telephone: 907-586-7225**

Are you the:

☐ Shipper

☐ Receiver

IFQ
CDQ
Groundfish

Shipper

Federal Fisheries/Processor
Permit No.

IFQ Registered Buyer
Permit No.

Receiver

Federal Fisheries/Processor
Permit No. (if any)Position of Product Transfer
(Mothership or Catcher/processor Only)

Representative Name

Ph No.

Fax No.

Date and Time of Product Transfer

Start

Finish

Port or Location of Transfer

Mode of Transportation and Intended Route

PRODUCTS SHIPPED OR RECEIVED

Is this a ☐ **TOTAL OFFLOAD** or a ☐ **PARTIAL OFFLOAD**
If partial offload, record amount and type of product remaining onboard after this transfer.

AMOUNT AND TYPE OF PRODUCT REMAINING ONBOARD
Mothership or Catcher/processor only

[illegible]

*Scale weight of multiple species within one unit only

OMB Control No. 0648-0213
Expiration Date 7/31/05
PTR

Instructions for

PRODUCT TRANSFER REPORT (PTR)

RESPONSIBILITY

Except for exemptions noted below, the operator of a catcher/processor or mothership or the manager of a shoreside processor or stationary floating processor, or an IFQ Registered Buyer must complete and submit a separate PTR for each transfer (shipment or receipt) of:

Non-IFQ groundfish product (including unprocessed fish)

Donated prohibited species caught in a non-IFQ groundfish fishery

IFQ halibut or sablefish for which the IFQ Registered Buyer submitted an IFQ Landing Report or was required to submit an IFQ Landing Report, or

CDQ halibut

A PTR is not required to accompany a shipment or offload.

Exemption: Bait sales (non-IFQ groundfish only).

The operator or manager may aggregate individual sales or transfers of non-IFQ groundfish to vessels for bait purposes during a day onto one PTR when recording the amount of such bait product leaving a facility that day.

Exemption: Retail sales (non-IFQ groundfish only).

For retail sales destined for human consumption and weighing less than 10 lb or 4.5 kilograms, the operator, manager, or Registered Buyer may aggregate and record on one PTR, the amount of such retail product transferred during one calendar day.

Exemption: Wholesale sales.

The operator or manager may aggregate and record on one PTR, the amount of such wholesale sales leaving a facility in one calendar day, if invoices detailing destinations for all of the product are available for inspection by an authorized officer.

Exemption: IFQ Registered Buyers.

IFQ Registered Buyers are not required to submit a PTR for “receipt” of IFQ halibut, CDQ halibut, or IFQ sablefish.

Exemption: Dockside sales (IFQ only).

A person holding a valid IFQ permit, IFQ card, and IFQ Registered Buyer permit may conduct a dockside sale of IFQ halibut or IFQ sablefish to a person who has not been issued an IFQ Registered Buyer permit.

An IFQ Registered Buyer conducting dockside sales must issue a receipt to each individual receiving IFQ halibut or IFQ sablefish in lieu of a PTR. This receipt must include:

Date of sale or transfer

IFQ Registered Buyer permit number

Weight by product of the IFQ sablefish or IFQ halibut transferred.

Exemption: transfer directly from the landing site to a processing facility (IFQ only). A PTR is not required for transportation of unprocessed IFQ species directly from the landing site to a processing facility for processing the IFQ species, provided the following conditions are met:

A copy of the IFQ Landing Report receipt (Internet or transaction terminal receipt) documenting the IFQ landing accompanies the offloaded IFQ species while in transit.

A copy of the IFQ Landing Report receipt is available for inspection by an authorized officer.

For IFQ species transported in this manner, the IFQ Registered Buyer submitting the IFQ Landing Report must still complete a PTR for each transfer of IFQ halibut and IFQ sablefish from the processing facility.

TIME LIMITS AND SUBMITTAL.

The operator of a mothership or catcher/processor, an IFQ Registered Buyer, or manager of a shoreside processor or stationary floating processor must:

Record on PTR. Record all product transfer information on a PTR within 2 hours of the completion of the transfer.

Submit original PTR. Submit by FAX or electronic file a copy of each PTR to:

OLE, Juneau, AK (907-586-7313)

by 1200 hours, A.I.t., on the Tuesday following the end of the applicable weekly reporting period in which the transfer occurred.

Submit revised PTR. Ensure that, if any information on the original PTR changes prior to the first destination of the shipment, a revised PTR is submitted by FAX or electronic file to:

OLE, Juneau, AK (907-586-7313)

by 1200 hours, A.I.t., on the Tuesday following the end of the applicable weekly reporting period in which the change occurred.

GENERAL INFORMATION.

The operator, manager, or IFQ Registered Buyer must record on a PTR whether:

Original or revised PTR;

You are the shipper or receiver;

Shipment or receipt is for one or a combination of non-IFQ groundfish, IFQ products, or CDQ halibut products. If shipment consists of donated prohibited species caught while participating in groundfish fisheries, mark the box "groundfish."

RECEIVER INFORMATION.

If documenting receipt of non-IFQ groundfish, the operator or manager must check "Receiver" and enter:

Your representative's name, telephone number, and FAX number;

Start and finish date and time of product transfer,

Position of product transfer (if applicable),

Port or location of transfer and:

Enter under "Receiver"	Enter under "Shipper"
Your processor's name, Federal fisheries or Federal processor permit	Other processor's name and Federal fisheries or Federal processor permit (if applicable)

SHIPPER INFORMATION.

If documenting transfer of product away from your facility or transfer of product off of your vessel, the operator, manager, or IFQ Registered Buyer must enter your representative's name, telephone number, and FAX number, check "Shipper" and:

If you are ...	Enter under "Shipper" ...
Shipping non-IFQ groundfish	Your processor's name, Federal fisheries or Federal processor permit number
Shipping IFQ halibut, CDQ halibut or IFQ sablefish	Your IFQ Registered Buyer name and permit number
Shipping both non-IFQ groundfish and IFQ halibut, CDQ halibut or IFQ sablefish on the same PTR	Your processor's name and Federal fisheries permit number or Federal processor permit number; or IFQ Registered Buyer's name and permit number

Using descriptions from the following table, enter receiver information, date and time of product transfer, location of product transfer (e.g., port, position coordinates, or city), mode of transportation, and intended route.

<p align="center">NOTE</p> <p>If a transfer involves a single destination but requires loading on multiple vans, trucks, or airline flights, record the transfer on a single PTR page.</p>

If you are the shipper and ...	Then enter ...			
	Receiver	Date & Time of Product Transfer	Location of Product Transfer	Mode of Transportation & Intended Route
Receiver is on land and transfer involves one van, truck, or vehicle	Receiver name and Federal fisheries or Federal processor permit number (if any)	Date and time when shipment leaves the plant	Port or city of product transfer	Name of the shipping company; destination city and state or foreign country
Receiver is on land and transfer involves multiple vans or trucks	Receiver name and Federal fisheries or Federal processor permit number (if any)	Date and time when loading of vans or trucks is completed each day	Port or city of product transfer	Name of the shipping company; destination city and state or foreign country
Receiver is on land and transfer involves one airline flight	Receiver name and Federal fisheries or Federal processor permit number (if any)	Date and time when shipment leaves the plant	Port or city of product transfer	Name of the airline company; destination airport city and state
Receiver is on land and transfer involves multiple airline flights	Receiver name and Federal fisheries or Federal processor permit number (if any)	Date and time of shipment when the last airline flight of the day leaves	Port or city of product transfer	Name of the airline company(s); destination airport(s) city and state
Receiver is a vessel and transfer occurs at sea	Vessel name and call sign	Start and finish dates and times of transfer	Transfer position coordinates in latitude and longitude, in degrees and minutes	The first destination of the vessel
Receiver is a vessel and transfer takes place in port	Vessel name and call sign	Start and finish dates and times of transfer	Port or position of product transfer	The first destination of the vessel
Receiver is an agent (buyer, distributor, or shipping agent) and transfer is in a containerized van	Agent name and location (city, state)	Transfer start and finish dates and times	Port, city, or position of product transfer	Name (if available) of the vessel transporting the van; destination port

If you are the shipper and ...	Then enter ...			
	Receiver	Date & Time of Product Transfer	Location of Product Transfer	Mode of Transportation & Intended Route
If aggregating individual retail sales for human consumption in quantities less than 10 lb (0.0045 mt) per sale during a day onto one PTR	“RETAIL SALES”	Time of the first sale of the day; time of the last sale of the day	Port or city of product transfer	n/a
If aggregating individual bait sales during a day onto one PTR (non-IFQ groundfish only)	“BAIT SALES”	Time of the first sale of the day; time of the last sale of the day	Port or city of product transfer	n/a
<u>Non-IFQ Groundfish only.</u> If aggregating wholesale non-IFQ groundfish product sales by species during a single day onto one PTR and maintaining for inspection by an authorized officer, invoices detailing destinations for all of the product	“WHOLESALE SALES”	Time of the first sale of the day; time of the last sale of the day	Port or city of product transfer	n/a

PRODUCTS SHIPPED OR RECEIVED

The operator, manager, or IFQ Registered Buyer must record the following information for each product transferred:

Species code and product code.

The species code and product code (see Tables 1 and 2).

Do not record on PTR
products identified by the
product codes 41, 42, 98, or 99.

To calculate metric tons from pounds:

$$\frac{\text{No. cartons} \times \text{average carton weight (lb)}}{2,204.6}$$

To calculate metric tons from kilograms:

$$\frac{(\text{No. cartons} \times \text{average carton weight (kg)})}{1,000}$$

Species weight.

Use only if recording two or more species with one or more product types contained within the same production unit. Enter the actual scale weight of each product of each species to the nearest kilogram or pound (indicate which). If not applicable, enter “n/a” in the species weight column. If using more than one line to record species in one carton, use a bracket “}” to tie the carton information together.

Number of units.

Total number of production units (blocks, trays, pans, individual fish, boxes, or cartons; if iced, enter number of totes or containers).

Unit weight.

Unit weight (average weight of single production unit as listed in “No. of Units” less packing materials) for each species and product code in kilograms or pounds (indicate which).

Total weight.

Total weight for each species and product code of shipment less packing materials in kilograms or pounds (indicate which).

Total or partial offload.

Use only if a mothership or catcher/processor. If a mothership or catcher/processor, the operator must indicate whether the transfer is a total or partial offload.

If a partial offload, for the products remaining on board after the transfer, the operator must enter:

Species code

Product code

Total product weight to the nearest kilogram or pound (indicate which) for each product.

PRA DOCUMENTATION INFORMATION

PUBLIC REPORTING BURDEN STATEMENT

Public reporting burden for the recordkeeping and reporting requirements described in this document are given below and include the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the burden, to: NOAA National Marine Fisheries Service, Alaska Region, Attn: Assistant Regional Administrator, Sustainable Fisheries Division, P.O. Box 21668, Juneau, AK 99802 .

Vessel activity report	14 min./report	Mothership DCPL	31 min./day
Check-in/check-out report		Shoreside processor DCPL	31 min./day
Catcher/Processor, Mothership	7 min./report	Catcher/processor DCPL	
Shoreside Processor	8 min./report	longline and pot gear	41 min./day
Weekly production report	17 min./report	trawl gear	30 min./day
Daily production report	11 min./report	Weekly cumulative	35 min/ticket
Product transfer report	20 min./report	Mothership ADF&G fish tickets	
Buying station report	23 min./report		
Catcher Vessel DFL			
longline and pot gear	28 min./day		
trawl gear	18 min./day		

ADDITIONAL INFORMATION

Before completing these forms please note the following: 1) Notwithstanding any other provision of the law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the Paperwork Reduction Act, unless that collection of information displays a currently valid OMB Control Number; 2) This information is mandatory and is required to manage commercial fishing effort in the GOA and BSAI under 50 CFR 679 and under 402(a) of the Magnuson-Stevens Act (16 U.S.C. 1801 *et. seq.*); 3) Responses to this information request are confidential under section 402(b) of the Magnuson-Stevens Act (16 U.S.C. 1801, *et seq.*). It is also confidential under NOAA Administrative Order 216-100, which sets forth procedures to protect confidentiality of fishery statistics. These procedures have been implemented under the NMFS Operations Manual entitled, "Data Security Handbook for the Northwest-Alaska Region, National Marine Fisheries Service."

ORDER INFORMATION

Regulations and Instructions

To obtain a copy of the regulations at 50 CFR 679 or recordkeeping & reporting instructions, please see below:

Electronic copy.

Download updates to the 50 CFR 679 regulations from:

<http://www.fakr.noaa.gov/regs/summary.htm>.

Download updates to the R&R instructions from:

<http://www.fakr.noaa.gov/rr/default.htm>

Request a disk copy.

Submit to us a blank, formatted
5-1/4 inch or a 3-1/2 inch disk

Request a complete paper copy or request updated sections for the regulations or instructions from:

NMFS ALASKA REGION
Sustainable Fisheries Division
P.O. Box 21668
Juneau, Alaska 99802-1668
or
Federal Building,
4th Floor, Suite 401, in Juneau.

Telephone: 907-586-7228
FAX: 907-586-7465

AT1 Group as Depleted

Information on AT1 population size included in the petition shows that this group of whales numbered 22 animals in 1984, with the last calf being born in that year. The group now numbers 9 animals; less than half the size of the population prior to the Exxon Valdez oil spill in 1989. Two adult males in the group have been confirmed dead in the last 2 years. The current composition includes only 4 females, 2 of which are reproductively senescent.

Using the definition of depleted described above (see Background) and assuming a conservative estimate of K at the historical abundance level of 22 animals, the petitioners suggested that the current abundance of 9 animals is below OSP (i.e., less than 60 percent of the historical abundance, which is 13 animals) and, therefore, that the AT1 group of killer whales is depleted.

The petitioners present several factors that they consider may be causes of the decline of the AT1 group: the Exxon Valdez oil spill; chemical contaminants; increased vessel traffic; and reduction in available prey species. Crude oil exposure could be a factor in the decline of AT1 whales as they were seen immediately after the 1989 Exxon Valdez spill swimming in the crude oil around the tanker. Chemical contamination may also play a role in their decline. Analysis of blubber samples from the male AT1 group member that died in 2000 showed very high levels of contaminants. The AT1 group may also be exposed to increasing underwater vessel noise as the number of vessels with access to Prince William Sound increases due to the recent road access to Whittier. Finally, the harbor seal population in Prince William Sound, one of the main prey items of the AT1 group, has declined substantially in the past, and recently harbor seal numbers have continued declining at about eight percent per year.

Status Review

As the initial task under the upcoming status review, NMFS must evaluate the information in the petition and other information related to whether or not AT1 killer whales are a separate population stock. If NMFS determines that the AT1 group is a separate stock, NMFS would then evaluate whether it is depleted under the MMPA. NMFS is aware of the information related to abundances in 1984 and the present and is not aware of additional information related to historical or current abundance. NMFS notes that the Marine Mammal

Commission has advised that the AT1 group should be recognized as a separate population stock and that it is below its MNPL.

Information Solicited

NMFS solicits comments and information related to this petition and the status of AT1 killer whales. NMFS is specifically interested in comments and additional information related to (1) the identification of AT1 killer whales as a population stock, (2) the historical or current abundance of this group, (3) factors that may be affecting the group, and (4) conservation measures that may promote their recovery.

Authority: Authority: 16 U.S.C. 1361 *et seq.*

Dated: January 17, 2003.

William T. Hogarth,

*Assistant Administrator for Fisheries,
National Marine Fisheries Service.*

[FR Doc. 03-1650 Filed 1-23-03; 8:45 am]

BILLING CODE 3510-22-S

DEPARTMENT OF COMMERCE**National Oceanic and Atmospheric Administration****50 CFR Part 679**

[Docket No. 021213310-2310-01; I.D. 101702B]

RIN 0648-AP92

Individual Fishing Quota (IFQ) Program for Pacific Halibut and Sablefish; Revisions to Recordkeeping and Reporting Requirements

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Proposed rule; request for comments.

SUMMARY: NMFS proposes regulations to implement Amendment 72 to the Fishery Management Plan for the Groundfish Fishery of the Bering Sea and Aleutian Islands Area (Amendment 72) and Amendment 64 to the Fishery Management Plan for Groundfish of the Gulf of Alaska (Amendment 64) (collectively, Amendments 72/64). This action would revise certain recordkeeping and reporting requirements for the Individual Fishing Quota (IFQ) Program for fixed gear Pacific halibut and sablefish fisheries and the Western Alaska Community Development Quota (CDQ) Program for the Pacific halibut fishery. This action is necessary to improve IFQ fishing operations, while complying with IFQ

Program requirements; to improve NMFS' ability to efficiently administer the program; and to improve the clarity and consistency of IFQ Program regulations. This action is intended to meet the conservation and management requirements of the Northern Pacific Halibut Act of 1982 (Halibut Act) with respect to halibut and of the Magnuson-Stevens Fishery Conservation and Management Act, 16 U.S.C. 1801 *et seq.*, (Magnuson-Stevens Act) with respect to sablefish and to further the goals and objectives of the groundfish Fishery Management Plans (FMPs).

DATES: Comments must be received at the following address no later than February 24, 2003.

ADDRESSES: Comments should be sent to Sue Salvesson, Assistant Administrator, Sustainable Fisheries Division, Alaska Region, NMFS, P.O. Box 21668, Juneau, AK 99802-1668, Attn: Lori Gravel-Durall) or delivered to the Federal Building, 709 West 9th Street, Room 401, Juneau, AK. Comments may be sent via facsimile to 907-586-7465. Comments will not be accepted if submitted via e-mail or the Internet. Copies of Amendment 72/64 of the FMPs and the Regulatory Impact Review/Initial Regulatory Flexibility Analysis (RIR/IRFA) prepared for this action may also be obtained from the same address, or by calling the Alaska Region, NMFS, at 907-586-7228. Send comments on collection-of-information requirements to NMFS, Alaska Region, and to the Office of Information and Regulatory Affairs (OIRA), Office of Management and Budget (OMB), Washington, DC 20503 (Attn: NOAA Desk Officer).

FOR FURTHER INFORMATION CONTACT: Patsy A. Bearden, 907-586-7228 or patsy.bearden@noaa.gov.

SUPPLEMENTARY INFORMATION:**Background and Need for Action**

NMFS manages the groundfish fisheries in the Exclusive Economic Zone (EEZ) off Alaska according to fishery management plans prepared by the North Pacific Fishery Management Council (Council) under the authority of the Magnuson-Stevens Act. The FMPs are implemented by regulations at 50 CFR part 679. General regulations that also pertain to these fisheries appear in subpart H to 50 CFR part 600.

Regulations codified at 50 CFR part 679 implement the IFQ Program, a limited access system for management of the Pacific halibut (*Hippoglossus stenolepis*) and sablefish (*Anoplopoma fimbria*) fixed gear fisheries in and off Alaska.

The IFQ Program, a limited access management system for the fixed gear Pacific halibut and sablefish fisheries off Alaska, was approved by NMFS in January 1993 and fully implemented beginning in March 1995. The IFQ Program for the sablefish fishery is implemented by the FMPs and Federal regulations under 50 CFR part 679 under authority of the Magnuson-Stevens Act. The IFQ Program for the halibut fishery is implemented by Federal regulations promulgated under the authority of the Halibut Act. Further information on the rationale for and implementation of the IFQ Program is contained in the preamble to the final

rule published in the **Federal Register**, November 9, 1993 (58 FR 59375). Regulations implementing the IFQ Program have been revised numerous times since 1993 to refine program operations.

This action would amend the regulatory text establishing Recordkeeping and Reporting (R&R) requirements for the groundfish fishery as well as the IFQ program requirements. Removal of the IFQ Shipment Report and of the IFQ Vessel Clearance would affect other IFQ procedures and forms—the IFQ Landing Report, IFQ Prior Notice of Landing (PNOL), and IFQ Departure Report—as

well as definitions, groundfish R&R procedures and forms, the Product Transfer Report (PTR) and Vessel Activity Report (VAR). Revisions are made to the regulatory text to accommodate the procedural changes.

The need, justification, and economic impacts for the actions in this proposed rule, as well as impacts of the alternatives considered, were analyzed in the RIR/IRFA prepared for this action (*see ADDRESSES*).

The revisions to the regulations at 50 CFR part 679 are presented below in the order they appear in the regulations.

Section 679.2 Definitions

This action would revise the definitions: “Authorized officer,” “Clearing officer,” “IFQ landing,” and “IFQ Registered Buyer.” “Authorized officer,” would be revised to cross-reference the definition of “Authorized officer” at 50 CFR 600.10.

Location	Existing text	Proposed text
Definition for “Authorized officer”.	Authorized officer means, for purposes of recordkeeping and reporting, a NOAA special agent, a NOAA fishery enforcement officer or USCG fisheries enforcement personnel.	Means: (1) Any commissioned, warrant, or petty officer of the USCG; (2) Any special agent or fishery enforcement officer of NMFS; (3) Any officer designated by the head of any Federal or State agency that has entered into an agreement with the Secretary and the Commandant of the USCG to enforce the provisions of the Magnuson-Stevens Act or any other statute administered by NOAA; or (4) Any USCG personnel accompanying and acting under the direction of any person described in paragraph (1) of this definition.
Definition for “Clearing officer”	Means a NMFS special agent, a NMFS fishery enforcement officer, or a NMFS enforcement aide who performs the function of clearing vessels at one of the primary ports listed in Table 14 to this part.	Means a NOAA Fisheries Office for Law Enforcement (OLE) special agent, an OLE fishery enforcement officer, or an OLE enforcement enforcement aide.
Definition for “IFQ landing”	Means the unloading or transferring of any IFQ halibut, IFQ sablefish, or products thereof from the vessel that harvested such fish or the removal from the water of a vessel containing IFQ halibut, IFQ sablefish, or products thereof.	Means the unloading or transferring of any IFQ halibut, CDQ halibut, IFQ sablefish, or products thereof from vessel that harvested such fish or the removal from the water of a vessel containing IFQ halibut, CDQ halibut, IFQ sablefish, or products thereof.
Definition for “IFQ permit holder”.	§ 679.4(d)(3)(B)	§ 679.4(d)(1).
Definition for “IFQ Registered Buyer”.	§ 679.4(d)(2)	§ 679.4(d)(3).
Definition for “Transfer”	(2) <i>IFQ/CDQ fisheries</i> . Any loading, off-loading, shipment or receipt of any groundfish product.	(2) <i>IFQ halibut, CDQ halibut, IFQ sablefish</i> . Any loading, off-loading, shipment or receipt of any IFQ halibut, CDQ halibut, IFQ sablefish product.

Section 679.4(d) IFQ Permits

In response to the removal of “Vessel Clearance” and “Shipment Report” and to the revision of “Departure Report,” this action would reorganize the regulatory text in the IFQ permits section. Detailed changes to § 679.4(d) are presented below:

§ 679.4 paragraph	Redesignated as	No change	Revised	Removed	Added
(d) heading .....	.....	.....	X		
Introductory (d)(1)	Introductory (d).	.....		
(d)(1) heading .....	.....	.....	X		
(d)(1)(i)	(d)(1)	.....	X	.....
(d)(4)(i)	(d)(1)(i).	.....		
(d)(6)(i)	(d)(1)(ii) .....	.....	X		
(d)(2) heading .....	.....	.....	X		
(d)(4)(ii)	(d)(2)(i) .....	.....	X		
(d)(1)(ii)	(d)(2)(ii) .....	.....	X		
(d)(3)(i)(C)	(d)(2)(iii) .....	.....	X		
(d)(3) heading .....	.....	.....	X		
(d)(2)	(d)(3).	.....		

§ 679.4 paragraph	Redesignated as	No change	Revised	Removed	Added
(d)(4)(iii)	(d)(3)(i) .....	.....	X		
(d)(3)(i)(B) .....	.....	.....	.....	X	
Introductory (d)(2)	(d)(3)(ii).				
(d)(2)(i)	(d)(3)(ii)(A).				
(d)(2)(ii)	(d)(3)(ii)(B).				
(d)(2)(iii)	(d)(3)(ii)(C) .....	.....	X		
(d)(3)(ii)	(d)(3)(iii) .....	.....	X		
(d)(3)(iv) .....	.....	.....	.....	.....	X
(d)(4) heading .....	.....	.....	X		
(d)(3)(i)(A)	(d)(4).				
(d)(5) .....	.....	.....	X		
(d)(6)(i) .....	.....	.....	.....	X	
(d)(6)(ii)	(d)(6)(i) .....	.....	X		
(d)(6)(iii)	(d)(6)(ii) .....	.....	X		
(d)(7) .....	.....	.....	X		

Revisions to the regulatory text are presented below, showing the location of the text, the current text, and the proposed text.

Location § 679.4 paragraph	Existing text	Proposed text
(d) heading	IFQ Permits.	IFQ permits, IFQ cards, and IFQ Registered Buyer permits.
(d)(1) heading	General.	IFQ permit.
(d)(1)(i)	(d)(4)(i) <i>IFQ permit</i> . An IFQ permit authorizes the person identified on the permit to harvest IFQ halibut or IFQ sablefish from a specified IFQ regulatory area at any time during an open fishing season during the fishing year for which the IFQ permit is issued until the amount harvested is equal to the amount specified under the permit, or until it is revoked, suspended, or modified under 15 CFR part 904.	(d)(1)(i) An IFQ permit authorizes the person identified on the permit to harvest IFQ halibut or IFQ sablefish from a specified IFQ regulatory area at any time during an open fishing season during the fishing year for which the IFQ permit is issued until the amount harvested is equal to the amount specified under the permit, or until it is revoked, suspended, or modified under 15 CFR part 904.
(d)(1)(ii)	(d)(1)(i) A copy of an IFQ permit that specifies the IFQ regulatory area and vessel category in which IFQ halibut or IFQ sablefish may be harvested by the IFQ permit holder; and (d)(6)(i) IFQ permit. A legible copy of any IFQ permit issued under this section must be carried on board the vessel used by the permitted person to harvest IFQ halibut or IFQ sablefish at all times that such fish are retained on board.	(d)(1)(ii) A legible copy of any IFQ permit that specifies the IFQ regulatory area and vessel length overall from which IFQ halibut or IFQ sablefish may be harvested by the IFQ permit holder must be carried on board the vessel used by the permitted person to harvest IFQ halibut or IFQ sablefish at all times that such fish are retained on board.
(d)(2) heading	Registered buyer permit.	IFQ card.
(d)(2)(i)	(d)(4)(ii) <i>IFQ card</i> . An IFQ card authorizes the individual identified on the card to land IFQ halibut or IFQ sablefish for debit against the specified IFQ permit until the card expires, or is revoked, suspended, or modified under 15 CFR part 904, or cancelled on request of the IFQ permit holder.	(d)(2)(i) An IFQ card authorizes the individual identified on the card to land IFQ halibut or IFQ sablefish for debit against the specified IFQ permit until the card expires, or is revoked, suspended, or modified under 15 CFR part 904, or cancelled on request of the IFQ permit holder.
(d)(2)(ii)	(d)(1)(ii) <i>IFQ card</i> . An original IFQ card issued by the Regional Administrator. (d)(6)(ii) <i>IFQ card</i> . Except as specified in 679.42(d), an individual that is issued an IFQ card must remain aboard the vessel used to harvest IFQ halibut or IFQ sablefish with that card during all fishing operations until arrival at the point of landing and during all IFQ landings.	(d)(2)(ii) An original IFQ card issued by the Regional Administrator must be on board the vessel that harvests IFQ halibut or IFQ sablefish at all times that such fish are retained on board. Except as specified in 679.42(d), an individual that is issued an IFQ card must remain aboard the vessel used to harvest IFQ halibut or IFQ sablefish with that card during the IFQ fishing trip and at the landing site during all IFQ landings.
(d)(2)(iii)	(d)(3)(i)(C) <i>IFQ card</i> . Each IFQ card issued by the Regional Administrator will display an IFQ permit number and the individual authorized by the IFQ permit holder to land IFQ halibut or IFQ sablefish for debit against the permit holder's IFQ.	(d)(2)(iii) Each IFQ card issued by the Regional Administrator will display an IFQ permit number, the name of the individual authorized by the IFQ permit holder to land IFQ halibut or IFQ sablefish for debit against the permit holder's IFQ. In addition, IFQ cards issued to hired masters representing permit holders per 679.42(i) and (j) will also display the ADF&G vessel identification number of the authorized vessel.
(d)(3) heading	How do I obtain an IFQ permit, IFQ card, or Registered Buyer Permit?	Registered Buyer permit.
(d)(3)(ii)(C)	(d)(2)(iii) A vessel operator who obtains a vessel clearance or submits a departure report (see 679.5(1)(5)(iv)).	(d)(3)(ii)(C) A vessel operator who submits a Departure Report (see 679.5(1)(4)).
(d)(3)(iii)	(d)(3)(ii) <i>Registered Buyer permits</i> . Registered buyer permits will be renewed or issued annually by the Regional Administrator to persons that have a registered buyer application approved by the Regional Administrator.	(d)(3)(iii) A Registered Buyer permit is issued on a 3-year cycle by the Regional Administrator to persons that have a Registered Buyer application approved by the Regional Administrator.

Location § 679.4 paragraph	Existing text	Proposed text
(d)(4) heading	Duration.	Issuance.
(d)(5)	The IFQ permits issued under this section are not transferable, except as provided under 679.41. IFQ cards and Registered Buyer permits issued under this paragraph (d) are not transferable.	The quota shares and IFQ issued under this section are not transferable, except as provided under 679.41. IFQ cards and Registered Buyer permits issued under this paragraph (d) are not transferable.
(d)(6)(i)	(d)(6)(ii) <i>IFQ card</i> . Except as specified in § 679.42(d), an individual who is issued an IFQ card must remain aboard the vessel used to harvest IFQ halibut or IFQ sablefish with that card during all fishing operations until arrival at the point of landing and during all IFQ landings. The IFQ cardholder must present a copy of the IFQ permit and the original IFQ card for inspection on request of any authorized officer, clearing officer, or registered buyer purchasing IFQ species. Nothing in this paragraph would prevent an individual who is issued an IFQ card from being absent from the vessel used to harvest IFQ halibut or IFQ sablefish between the time the vessel arrives at the point of landing until the commencement of landing.	(d)(6)(i) <i>IFQ permit and card</i> . The IFQ cardholder must present a copy of the IFQ permit and the original IFQ card for inspection on request of any authorized officer or Registered Buyer receiving IFQ species. Nothing in this paragraph would prevent an individual who is issued an IFQ card from being absent from the vessel used to harvest IFQ halibut or IFQ sablefish from the time the vessel arrives at the point of landing and the commencement of landing.
(d)(6)(ii)	(d)(6)(iii) <i>Registered buyer permit</i> . A legible copy of the Registered Buyer permit must be present at the location of an IFQ landing and must be made available for inspection on request of any authorized officer or clearing officer.	(d)(6)(ii) <i>Registered Registered buyer permit</i> . A legible copy of the Registered Buyer permit must be present at the location of an IFQ landing and must be made available by the Registered Buyer's representative for inspection on request of any authorized officer.
(d)(7)	§ 679.5(e)(7)(ii).	§ 679.5(l)(7)(ii).

Section 679.5(a)(15) IFQ/groundfish Transfer Document Comparison

In response to the removal of the IFQ Vessel Clearance and the IFQ Shipment Report, the regulatory text in § 679.5(a)(15), the revised procedures for the Product Transfer Report, and the in-text table that compares the transfer documents are reorganized and revised.

The introductory paragraph (a)(15) of this section would be revised to include an explanation of the “X” symbols in the body of the table.

The in-text table would be restructured to provide for the removal of the IFQ Vessel Clearance and the IFQ Shipment Report. The columns across the top of the table are revised by removing the columns entitled: “IFQ Vessel Clearance” and “IFQ Shipment Report,” and adding columns entitled: “IFQ Landing Report Receipt.” Cross-referencing paragraph numbers previously located within table columns are relocated to rows in the table for easier reading. New headings are added to indicate activity, e.g., submitting a report to NMFS, issuing a receipt to the

public, and possessing a receipt. A new column heading “SUBMITTAL” would be added to group together those forms that require submittal to NMFS over the subheadings “VAR,” “PTR,” “IFQ Trans-shipment Authorization,” and “IFQ Departure Report.” Another new column heading “ISSUE” would be placed over the subheading “IFQ Dockside Sales Receipt.” A third heading “POSSESS” would be placed over the subheading “IFQ Landing Report Receipt.” The rows of the table are revised as follows:

§ 679.5, paragraph	Redesignated as	No change	Revised	Removed	Added
(a)(15) heading .....	.....	.....	X	.....	.....
(a)(15)(i) .....	.....	.....	X	.....	.....
(a)(15)(iii)	(a)(15)(ii) .....	.....	X	.....	.....
(a)(15)(iv)	(a)(15)(iii) .....	.....	X	.....	.....
(a)(15)(v)	(a)(15)(iv) .....	.....	X	.....	.....
(a)(15)(vi)	(a)(15)(v) .....	.....	X	.....	.....
(a)(15)(vii)	(a)(15)(vi) .....	.....	X	.....	.....
(a)(15)(vii) .....	.....	.....	.....	.....	X
(a)(15)(viii) .....	.....	.....	X	.....	.....

Section 679.5(g) Product Transfer Report (PTR)

Currently, the groundfish PTR is used to document movement of groundfish product from a shoreside facility or from a processor vessel, while the IFQ Shipment Report is used to document

IFQ fish transfer from an IFQ Registered Buyer. This action would combine the groundfish PTR and the IFQ Shipment Report into one form, a revised PTR, that would be used to document transfer of non-IFQ groundfish, donated prohibited species, all halibut and all sablefish. Although a copy of the

Shipment Report currently is required to accompany the IFQ shipment, the proposed action would remove this requirement when using a PTR.

The detailed changes to the regulations describing the PTR are presented below:

§ 679.5, paragraph	Redesignated as	No change	Revised	Removed	Added
(g) heading .....	.....	.....	X	.....	.....
(g)(2)(iii)	(g)(1) .....	.....	X	.....	.....

§ 679.5, paragraph	Redesignated as	No change	Revised	Removed	Added
(g)(1)(i), (ii), (iii), and (iv) .....	.....	.....	X	.....	.....
(g)(1)(v) heading .....	.....	.....	.....	.....	X
(g)(1)(v)(A) .....	.....	.....	.....	.....	X
(l)(3)(iv)	(g)(1)(v)(B) .....	.....	X	.....	.....
(l)(3)(i)(D)	(g)(1)(vi) .....	.....	X	.....	.....
Introductory (g)(2) .....	.....	.....	X	.....	.....
(g)(2), (g)(2)(i), (ii), (iii) .....	.....	.....	X	.....	.....
Introductory (g)(3) .....	.....	.....	.....	X	.....
(g)(3)(i) .....	.....	X	.....	.....	.....
(g)(3)(ii) .....	.....	.....	X	.....	.....
(g)(3)(iii), (iv) .....	.....	.....	.....	X	.....
(g)(4) heading .....	.....	.....	X	.....	.....
(g)(4)(i)(A), (B) .....	.....	.....	.....	X	.....
(g)(4)(ii)(A)	Introductory (g)(4) .....	.....	X	.....	.....
(g)(5), (g)(6)	(g)(6), (g)(7) .....	.....	.....	.....	.....
Introductory (g)(5)	Introductory (g)(6) .....	.....	X	.....	.....
(g)(5)(i)	(g)(6)(i) .....	.....	X	.....	.....
(g)(5)(v)	(g)(6)(ii) .....	.....	X	.....	.....
(g)(5)(ii)	(g)(6)(iii) .....	.....	X	.....	.....
(g)(5)(iii)	(g)(6)(iv) .....	.....	X	.....	.....
(g)(5)(iv)	(g)(6)(v) .....	.....	X	.....	.....
(g)(6)(i)	(g)(7)(i) .....	.....	X	.....	.....
(g)(6)(ii)	(g)(7)(ii) .....	.....	X	.....	.....
New (g)(5) heading .....	.....	.....	.....	.....	X
(g)(4)(ii)(B) .....	.....	.....	.....	X	.....
(g)(4)(ii)(C)	New introductory (g)(5) .....	.....	X	.....	.....
New (g)(5)(i), (ii), (iii), (iv) .....	.....	.....	.....	.....	X

The in-text table (new paragraph (g)(5)(iv)) of this section would be revised by separating the information into more distinct categories by dividing the columns to read “Receiver,” “Date & time of product transfer,” “Location of product transfer,” and “Mode of transportation and intended route.” Existing information would be reformatted to fit within these columns.

Section 679.5(k) Vessel Activity Report (VAR)

The VAR documents whether a vessel has onboard any fish or fish products, regardless of species. The VAR is submitted to NMFS before the vessel crosses the seaward boundary of the EEZ off Alaska or crosses the U.S.-Canada international boundary between Alaska and British Columbia. This action would revise the procedure for interaction of the VAR with IFQ reports due to the removal of the IFQ Vessel Clearance and the IFQ Shipment Report.

Detailed changes in § 679.5(k)(1) are presented below:

§ 679.5, paragraph	Redesignated as	No change	Revised	Removed	Added
Introductory (k)(1)	(k)(1)(i) .....	.....	X	.....	.....
(k)(1)(i)	(k)(1)(ii) .....	.....	X	.....	.....
(k)(1)(ii)	(k)(1)(iii) .....	.....	X	.....	.....
(k)(1)(iv) .....	.....	.....	X	.....	.....

Revisions to the regulatory text are presented below, showing the location of the text, the current text, and the proposed text.

Location § 679.5, paragraph	Current text	Proposed text
(k)(1)(i)	Introductory (k)(1) Except as noted in paragraphs (k)(1)(iii) and (iv) of this section, the operator of a catcher vessel greater than 60 ft (18.3 m) LOA, a catcher/processor, or a mothership holding a Federal fisheries permit issued under this part and carrying fish or fish product onboard must complete and submit a VAR by FAX or electronic file to OLE, Juneau, AK before the vessel crosses the seaward boundary of the EEZ off Alaska or crosses the U.S.-Canadian international boundary between Alaska and British Columbia.	(k)(1)(i) <i>Fish or fish product onboard.</i> Except as noted in paragraph (k)(1)(iv) of this section, the operator of a catcher vessel greater than 60 ft (18.3 m) LOA, a catcher/processor, or a mothership required to hold a Federal fisheries permit issued under this part and carrying fish or fish product onboard must complete and submit a VAR by FAX or electronic file to OLE, Juneau, AK (907-586-7313) before the vessel crosses the seaward boundary of the EEZ off Alaska or crosses the U.S.-Canadian international boundary between Alaska and British Columbia.
(k)(1)(ii)	(k)(1)(i) <i>Both groundfish and IFQ fish.</i> If a vessel is carrying both groundfish and IFQ halibut or IFQ sablefish, the operator must submit a VAR in addition to a Vessel Departure Report (VDR) or a Vessel Clearance (VC).	(k)(1)(ii) <i>Combination of non-IFQ groundfish, IFQ halibut, CDQ halibut, and IFQ sablefish.</i> If a vessel is carrying non-IFQ groundfish and IFQ halibut, CDQ halibut or IFQ sablefish, the operator must submit a VAR in addition to an IFQ Departure Report per paragraph (1)(4) of this section.
(k)(1)(iii)	(k)(1)(ii) <i>Revised VAR.</i> If groundfish are landed at a port other than the one specified, submit a revised VAR showing the actual port of landing.	(k)(1)(iii) <i>Revised VAR.</i> If fish or fish products are landed at a port other than the one specified on the VAR, the vessel operator must submit a revised VAR showing the actual port of landing before any fish are offloaded.

Location § 679.5, paragraph	Current text	Proposed text
(k)(1)(iv)	<i>Exemption: IFQ departure report.</i> If a vessel is carrying only IFQ halibut or IFQ sablefish onboard and the operator has submitted a Departure Report per paragraph (1)(5)(iii)(B) of this section, a VAR is not required.	<i>Exemption: IFQ departure report.</i> If a vessel is carrying only IFQ halibut or IFQ sablefish onboard and the operator has submitted an IFQ Departure Report per paragraph (1)(4) of this section, a VAR is not required.

Section 679.5(l)(1) IFQ Prior Notice of Landing (PNOL)

The intent of the PNOL is to provide International Pacific Halibut Commission (IPHC) monitoring personnel and OLE personnel advance notice of vessel IFQ landings. Under current regulations, the operator of any vessel intending to make a landing of IFQ halibut, CDQ halibut, or IFQ sablefish must submit a PNOL to OLE 6 hours before making the landing.

This action would revise the PNOL procedure by changing the prior notification from 6 hours to 3 hours. This change would provide adequate monitoring and enforcement

opportunities. The 3-hour time limit would result in improved economic efficiency in the fishery, allowing an overall exvessel price for IFQ fish to improve for a vessel operator due to additional time to seek out more competitive marketing opportunities. IFQ card holders and Registered Buyers would have more flexibility during their business negotiations. In general, this action would relieve burdens on small entities, which include Registered Buyers. It may contribute to increased competition in the delivery market for IFQ halibut and sablefish. It could benefit consumers and even cause Registered Buyers to expand into more

markets (*i.e.*, fresh fish). The estimated number of directly regulated small entities would include approximately 3,485 holders of halibut QS, 872 holders of sablefish QS, approximately 290 hired masters, and all six of the CDQ groups hold CDQ halibut.

In addition, vessels would be required to report "location of landings" rather than "Registered Buyer." This change would provide IPHC and OLE personnel with the exact location of the landing, which is needed to plan monitoring activities, while not requiring a vessel to commit to a specific processor.

Detailed changes to the PNOL regulatory text are presented below:

§ 679.5, paragraph	Redesignated as	No change	Revised	Removed	Added
(l) heading .....	.....	.....	X	.....	.....
Introductory (l) .....	.....	.....	X	.....	.....
(l)(1) heading .....	.....	.....	X	.....	.....
(l)(1)(i) heading .....	.....	.....	X	.....	.....
(l)(1)(i)	(l)(1)(i)(A) .....	.....	X	.....	.....
(l)(1)(ii)	(l)(1)(i)(B) .....	.....	X	.....	.....
(l)(1)(v)	(l)(1)(ii) .....	.....	X	.....	.....
Introductory (l)(1)(iii) .....	.....	.....	X	.....	.....
(l)(1)(iii)(A) .....	.....	X	.....	.....	.....
(l)(1)(iii)(B), (C) .....	.....	.....	X	.....	.....
(l)(1)(iii)(D) .....	.....	X	.....	.....	.....
(l)(1)(iii)(E) .....	.....	.....	.....	X	.....
(l)(1)(iii)(F) thru (H)	(l)(1)(iii)(E) thru (G) .....	.....	.....	.....	.....
(l)(1)(iii)(H) .....	.....	.....	.....	X	.....
(l)(1)(iv) .....	.....	.....	X	.....	.....

Revisions to the regulatory text are presented below, showing the location of the text, the current text, and the proposed text.

Location § 679.5, paragraph	Current text	Proposed text
(l) heading	IFQ and CDQ halibut recordkeeping and reporting.	IFQ Program recordkeeping and reporting.
Introductory (l)	In addition to the recordkeeping and reporting requirements in this section and as prescribed in the annual management measures published in the FEDERAL REGISTER pursuant to § 300.62 of this title, the following IFQ reports are required, when applicable: prior notices of landing, landing report, shipment report, transshipment authorization, vessel clearance, and IFQ departure report.	In addition to the recordkeeping and reporting requirements in this section and as prescribed in the annual management measures published in the FEDERAL REGISTER pursuant to § 300.62 of this title, the following reports and authorizations are required, when applicable: IFQ Prior Notice of Landing, Product Transfer Report (see 679.5(g)), IFQ Landing Report, IFQ Transshipment Authorization, and IFQ Departure Report.
(l)(1) heading	Prior notice of IFQ landing.	IFQ Prior Notice of Landing (PNOL).
(l)(1)(i) heading	Applicability.	Time limits and submittals.
(l)(1)(i)(A)	(l)(1)(i) Except as provided in paragraph (l)(1)(iv) of this section, the operator of any vessel making an IFQ landing must notify OLE, Juneau, AK no fewer than 6 hours before landing IFQ halibut or IFQ sablefish, unless permission to commence an IFQ landing within 6 hours of notification is granted by a clearing officer.	(l)(1)(i)(A) Except as provided in paragraph (l)(1)(iv) of this section, the operator of any vessel making an IFQ landing must notify OLE, Juneau, AK no fewer than 3 hours before landing IFQ halibut or IFQ sablefish, unless permission to commence an IFQ landing within 3 hours of notification is granted by a clearing officer.
(l)(1)(i)(B)	(l)(1)(ii) <i>Time limits.</i> A prior notice of landing must be made to the toll-free telephone number 800-304-4846 or to 907-586-7202 between the hours of 0600 hours, A.l.t., and 2400 hours, A.l.t.	(l)(1)(i)(B) A PNOL must be made to the toll-free telephone number 800-304-4846 or to 907-586-7163 between hours of 0600 hours, A.l.t., and the 2400 hours, A.l.t.

Location § 679.5, paragraph	Current text	Proposed text
(l)(1)(ii)	(l)(1)(iii) <i>Information required.</i> A prior notice of landing must include the following:	(l)(1)(ii) <i>Information required.</i> A PNOL must include the following:
(l)(1)(iii)(B)	Name and permit number of the Registered Buyer who will be responsible for completion and submittal of the IFQ Landing Report(s);	Port of landing and port code from Table 14 to this part;
(l)(1)(iii)(C)	The location of the landing (port name or code).	Exact location of landing within the port, <i>i.e.</i> , dock name, harbor name, facility name, or geographical coordinates (latitude and longitude of position in degrees and minutes).
(l)(1)(iv)	(iv) <i>Exemption.</i> An IFQ landing of halibut of 500 lb (0.23 mt) or less of IFQ weight determined pursuant to § 679.42(c)(2) and concurrent with a legal landing of salmon or a legal landing of lingcod harvested using dinglebar gear is exempt from the PNOL required by this section.	(iv) <i>Exemption.</i> An IFQ landing of halibut of 500 lb or less of IFQ weight determined pursuant to § 679.42(c)(2) and concurrent with a legal landing of salmon or a legal landing of lingcod harvested using dinglebar gear is exempt from the PNOL required by this section.

Section 679.5(l)(2) IFQ Landing Report

Reporting of IFQ harvests is accomplished through electronic submittal of an IFQ Landing Report, which may be submitted by an IFQ cardholder at an automated transaction terminal, through the Internet, and with approval by FAX. A Registered Buyer

submits the Landing Report within 6 hours after all fish are landed and prior to shipment or departure of the delivery vessel from the landing site. This action would revise the regulatory text and the procedure for submittal of the IFQ Landing Report for clarity and simplicity. Similar topics are combined

under one heading. In some cases, long paragraphs are divided into two paragraphs. Cross references are added to ensure ease of reading. Some telephone numbers are revised. Detailed changes to the regulatory text describing the IFQ Landing Report are presented below:

§ 679.5, paragraph	Redesignated as	No change	Revised	Removed	Added
Heading for (l)(2) .....	.....	.....	X	.....	.....
Heading for (l)(2)(i) .....	.....	.....	X	.....	.....
(l)(2)(i)(B)	(l)(2)(i)(A) .....	.....	X	.....	.....
New (l)(2)(i)(B) .....	.....	.....	.....	.....	X
New (l)(2)(i)(C) .....	.....	.....	.....	.....	X
New (l)(2)(i)(D) .....	.....	.....	.....	.....	X
New (l)(2)(i)(E) .....	.....	.....	.....	.....	X
Heading for (l)(2)(iv)	heading for (l)(2)(ii) .....	.....	X	.....	.....
(l)(2)(iv)(A)	(l)(2)(ii)(A) .....	.....	X	.....	.....
(l)(2)(iv)(B) .....	.....	.....	.....	X	.....
(l)(2)(i)(A)	(l)(2)(ii)(B) .....	.....	.....	X	.....
(l)(2)(vi)(N) .....	.....	.....	.....	X	.....
(l)(2)(vi)	(l)(2)(iii) .....	.....	.....	.....	.....
Newly redesignated (l)(2)(iii)(B) .....	.....	.....	X	.....	.....
Newly redesignated (l)(2)(iii)(J) .....	.....	.....	X	.....	.....
Newly redesignated (l)(2)(iii)(K) .....	.....	.....	X	.....	.....
Newly redesignated (l)(2)(iii)(M) .....	.....	.....	X	.....	.....
New (l)(2)(iv) and (iv)(A) .....	.....	.....	.....	.....	X
(l)(2)(ii)(A) except last sentence; last sentence of (l)(2)(ii)(A); (l)(2)(ii)(B).	(l)(2)(iv)(A) .....	.....	X	.....	.....
(l)(2)(ii)(D)	(l)(2)(iv)(B) .....	.....	.....	.....	.....
(l)(2)(iv)(B) heading .....	.....	.....	.....	.....	X
(l)(2)(vii); (l)(2)(ii)(E); (l)(2)(iii)(A); (l)(2)(vii)	(l)(2)(iv)(C) .....	.....	X	.....	.....
(l)(2)(iv)(D) heading .....	.....	.....	.....	.....	X
Third sentence of (l)(2)(ii)(C)	(l)(2)(iv)(D) .....	.....	X	.....	.....

Revisions to the regulatory text are presented below, showing the location of the text, the current text, and the proposed text.

Location § 679.5, paragraph	Current text	Proposed text
(l)(2) heading	Landing report	IFQ landing report
(l)(2)(i) heading	Applicability	Requirements
(l)(2)(i)(A)	(l)(2)(i)(B) All IFQ catch retained onboard a vessel at commencement of a landing must be weighed and debited from the IFQ permit holder's account under which the catch was harvested.	(l)(2)(i)(A) <i>All IFQ catch debited.</i> All IFQ halibut, CDQ halibut, and IFQ sablefish catch must be weighed and debited from the IFQ permit holder's account under which the catch was harvested.
(l)(2)(i)(D)	(l)(2)(ii)(C) Once landing operations have commenced, the IFQ cardholder and the harvesting vessel may not leave the landing site until the IFQ account is properly debited. . . .	(l)(2)(i)(D) <i>Remain at landing site.</i> Once landing operations have commenced, the IFQ cardholder and the harvesting vessel may not leave the landing site until the IFQ account is properly debited (as defined in paragraph (l)(2)(iv)(D)).

Location § 679.5, paragraph	Current text	Proposed text
(l)(2)(i)(E)	(l)(2)(ii)(C) . . . The offloaded IFQ species may not be moved from the landing site until the IFQ landing report is received by OLE, Juneau, AK and the IFQ cardholder's account is debited. . . .	(l)(2)(i)(E) <i>No movement of IFQ species.</i> The offloaded IFQ species may not be properly moved from the landing site until the IFQ Landing Report is received by OLE, Juneau, AK and the IFQ cardholder's account is properly debited (as defined in paragraph (l)(2)(iv)(D)).
(l)(2)(ii) heading	(l)(2)(iv) <i>Time limits and submittals</i>	(l)(2)(ii) <i>Time limits</i>
(l)(2)(ii)(A)	(l)(2)(iv)(A) An IFQ landing may commence only between 0600 hours, A.I.t., and 1800 hours, A.I.t., unless permission to land at a different time (waiver) is granted in advance by a clearing officer.	(l)(2)(ii)(A) A landing of IFQ halibut, CDQ halibut, or IFQ sablefish may commence only between 0600 hours, A.I.t., and 1800 hours, A.I.t., unless permission to land at a different time (waiver) is granted in advance by a clearing officer.
(l)(2)(ii)(B)	(l)(2)(i)(A) A Registered Buyer must report an IFQ landing within 6 hours after all such fish are landed and prior to shipment of said fish or departure of the delivery vessel from the landing site.	(l)(2)(ii)(B) A Registered Buyer must submit a completed IFQ Landing Report within 6 hours after all such fish are landed and prior to shipment or transfer of said fish from the landing site.
(l)(2)(iii)(B)	(l)(2)(vi)(B) Location of the IFQ landing (port code or if at sea, lat. and long.)	(l)(2)(iii)(B) Location of the IFQ landing (port code or if at sea, latitude and longitude of position in degrees and minutes).
(l)(2)(iii)(J)	(l)(2)(vi)(J)(1) Except as indicated in paragraph (l)(2)(vi)(J)(2) of this section, for each ADF&G statistical area of harvest, the species codes, product codes, and initial accurate scale weight (in pounds or to the nearest thousandth of a metric ton) made at the time of offloading for IFQ species sold and retained. (l)(2)(vi)(J)(2) If the vessel operator is a Registered Buyer reporting the IFQ landing, the accurate weight of IFQ sablefish processed product obtained before the offload may be substituted for the initial accurate scale weight at time of offload.	(l)(2)(iii)(J) For each ADF&G statistical area of harvest, the species codes, product codes, and initial accurate scale weight (in pounds or to the nearest thousandth of a metric ton) made at the time of offloading for IFQ species sold and retained. Exception: if the vessel operator is the Registered Buyer reporting the IFQ landing, the accurate weight of IFQ sablefish processed product obtained before the offload may be substituted for the initial accurate scale weight at time of offload.
(l)(2)(iii)(K)	(l)(2)(vi)(K) Whether ice and slime is present on the fish as offloaded from the vessel (YES or NO). Fish which have been washed prior to weighing or which have been offloaded from refrigerated salt water are not eligible for a 2 percent deduction for ice and slime and must indicate NO SLIME & ICE.	(l)(2)(iii)(K) Whether ice and slime are present on the fish as offloaded from the vessel. Fish which have been washed prior to weighing or which have been offloaded from refrigerated salt water are not eligible for a 2 percent deduction for ice and slime and must indicate NO SLIME & ICE.
(l)(2)(iii)(M)	(l)(2)(ii)(C) . . . After the Registered Buyer enters the landing data in the transaction terminal or the Internet submission form(s) and a receipt is printed, the IFQ cardholder must sign the receipt to acknowledge the accuracy of the landing report. . . . (l)(2)(iii)(B) The manual landing report must be signed by the Registered Buyer or his/her representative, and the IFQ cardholder to acknowledge the accuracy of the landing report, and by the OLE representative to show that the IFQ cardholder's account was debited consistent with the landing report. (l)(2)(vi)(M) Signature of Registered Buyer representative. (l)(2)(vi)(N) Signature of IFQ/CDQ cardholder.	(l)(2)(iii)(M) After the Registered Buyer enters the landing data in the transaction terminal or the Internet submission form(s) or submits a manual landing report by FAX, and a receipt is printed, the Registered Buyer or his/her representative, and the IFQ cardholder must sign the receipt(s) to acknowledge the accuracy of the Landing Report.
(l)(2)(iv)(A)	(l)(2)(ii)(A) <i>Electronic landing report.</i> (A) Except as indicated in paragraphs (l)(2)(ii)(D) and (E) of this section, electronic landing reports must be submitted to OLE, Juneau, AK using magnetic strip cards issued by NMFS, Alaska Region, and transaction terminals with printers driven by custom-designed software as provided and/or specified by NMFS, Alaska Region. It is the responsibility of the Registered Buyer to locate or procure a transaction terminal and report as required.	(l)(2)(iv)(A) Except as indicated in paragraphs (l)(2)(iv)(B) and (C) of this section, electronic landing reports must be submitted to OLE, Juneau, AK using magnetic strip cards issued by NMFS, Alaska Region, and transaction terminals with printers driven by custom-designed software as provided and/or specified by NMFS, Alaska Region. The Registered Buyer must locate or procure a transaction terminal and report as required.
(l)(2)(iv)(C)	(l)(2)(ii)(E) Waivers from the electronic reporting requirement can only be granted in writing on a case-by-case basis by a local clearing officer (l)(2)(iii)(A) If a waiver has been granted pursuant to paragraph (l)(2)(ii) of this section, manual landing instructions must be obtained from OLE, Juneau, AK at (800) 304-4846. Completed manual landing reports must be submitted by FAX to OLE, Juneau, AK at (907) 586-7313. (l)(2)(vii) <i>Manual landing report.</i> When a waiver is issued pursuant to paragraph (l)(2)(ii)(A) of this section, additional information is required. In addition to the information required in paragraph (l)(2)(vi) of this section, the following information is required to complete a landing report using a manual landing report:	(l)(2)(iv)(C) Waivers from the transaction terminal or Internet reporting requirement can only be granted in writing on a case-by-case basis by a local clearing officer. If a waiver is granted, manual landing instructions must be obtained from OLE, Juneau, AK at (800) 304-4846. Registered Buyers must complete and submit manual Landing Reports by FAX to OLE, Juneau, AK at (907) 586-7313. When a waiver is issued, the following additional information is required: whether the manual landing report is an original or revised; name, telephone number, and FAX number of individual submitting the manual landing report.

Location § 679.5, paragraph	Current text	Proposed text
(l)(2)(iv)(D)	(l)(2)(ii)(C) . . . A properly concluded transaction terminal receipt, printed Internet submission receipt, or manual landing report receipt received by FAX from OLE, Juneau, AK constitutes confirmation. . . .	(l)(2)(iv)(D) <i>Properly debited landing.</i> A properly concluded transaction terminal receipt, printed Internet submission receipt, or manual Landing Report receipt received by FAX from OLE, Juneau, AK, and signed by the OLE representative constitutes confirmation.

Section 679.5(l)(3)

IFQ Shipment Report. This action would remove the requirement for submittal of an IFQ Shipment Report. Currently, an IFQ Shipment Report is used by OLE to monitor and inspect shipments of IFQ halibut, CDQ halibut, and IFQ sablefish to verify proper accounting for fish landings. The Shipment Report documents the first receiver of the IFQ halibut, CDQ halibut or IFQ sablefish. Each Registered Buyer, other than those conducting dockside sales, must complete and submit a written Shipment Report or a bill of lading containing the same information as a Shipment Report for each shipment or transfer of CDQ halibut, IFQ halibut and IFQ sablefish.

Currently, a groundfish PTR is used by OLE to monitor and inspect shipments of groundfish to verify proper accounting for all non-IFQ groundfish landings by documenting the first receiver of the groundfish. Each mothership, catcher/ processor, shoreside processor, or stationary floating processor must complete a written PTR for each shipment or transfer of groundfish.

This action would combine these two forms into one. Under this action, Registered Buyers would submit a PTR for transfer or shipments of all halibut and all sablefish. Groundfish processors would submit a PTR for transfer or shipments of non-IFQ groundfish. If a participant is both a groundfish processor and a Registered Buyer, he or

she would submit a PTR for transfer or shipments of non-IFQ groundfish, all halibut and all sablefish. This proposed change would maintain existing data-collection, monitoring, and enforcement capabilities, while reducing the paperwork submittal and storage by the fishing industry.

The specific proposed change to the IFQ Shipment Report regulatory text is presented below: all of § 679.5(l)(3) would be removed, except that some paragraphs are indicated elsewhere as redesignated for inclusion in other sections.

IFQ Dockside Sales Receipt. Regulations pertaining to the IFQ dockside sales receipt would be moved from § 679.5(l)(3)(iv) and placed at § 679.5(l)(5). Regulatory text would be revised by removing “shipment report” and adding in its place “PTR”. The Registered Buyer must issue a dockside sales receipt in lieu of a PTR. No changes in the procedure of issuing a dockside sales receipt would occur as a result of this rule. A person holding a valid IFQ permit, CDQ halibut permit, IFQ card, and Registered Buyer permit may conduct a dockside sale of IFQ halibut or IFQ sablefish to a person who has not been issued a Registered Buyer permit. The purpose of reporting the amount of IFQ fish involved in a dockside sale is to provide OLE with the ability to monitor and inspect the shipment of IFQ fish to determine whether there was proper accounting for all IFQ fish landed.

Section 679.5(l)(4)

IFQ Transshipment Authorization. Regulations pertaining to the IFQ transshipment authorization would be moved from § 679.5(l)(4) and placed at § 679.5(l)(3). No changes in the procedure of transshipment authorization would occur as a result of this rule. Currently, if a person intends to transship processed IFQ halibut, IFQ sablefish, or CDQ halibut between vessels, authorization from a OLE clearing officer to do so must be obtained for each instance of transshipment. The request must be made at least 24 hr before the transshipment is intended to commence.

IFQ Departure Report. Regulations pertaining to the IFQ departure report would be moved from § 679.5(l)(5)(xi) and placed at § 679.5(l)(4). Some of the information originally requested as part of a Vessel Clearance would be added to the IFQ Departure Report. Instead of obtaining an IFQ Vessel Clearance at a principal port prior to departing the waters of the EEZ adjacent to the jurisdictional waters of the State of Alaska, the territorial sea of the State of Alaska, or the internal waters of the State of Alaska, a vessel operator would call OLE by telephone and provide the answers to OLE questions listed on the Departure Report. Detailed changes to the IFQ Departure Report regulatory text are presented below:

§ 679.5, paragraph	Redesignated as	No Change	Revised	Removed	Added
(l)(5)(xi) heading	(l)(4) heading .....	.....	.....	.....	.....
(l)(4)(i) heading .....	.....	.....	.....	.....	X
(l)(4)(i)(A) heading .....	.....	.....	.....	.....	X
(l)(5)(xi)(A)	(l)(4)(i)(A) .....	.....	X	.....	.....
(l)(5)(vii)	(l)(4)(i)(B) .....	.....	X	.....	.....
(l)(5)(iii)	(l)(4)(i)(C) .....	.....	X	.....	.....
(l)(5)(ix)	(l)(4)(i)(D) .....	.....	X	.....	.....
(l)(5)(iv)	(l)(4)(i)(E) .....	.....	X	.....	.....
(l)(5)(viii)	(l)(4)(ii) .....	.....	X	.....	.....
(l)(5)(viii)(H)	(l)(4)(ii)(A) .....	.....	.....	.....	.....
(l)(5)(viii)(B)	(l)(4)(ii)(B) .....	.....	.....	.....	.....
(l)(5)(viii)(D)	(l)(4)(ii)(C) .....	.....	X	.....	.....
(l)(5)(viii)(C)	(l)(4)(ii)(D) .....	.....	X	.....	.....
(l)(5)(viii)(G)	(l)(4)(ii)(E) .....	.....	X	.....	.....
(l)(5)(viii)(E)	(l)(4)(ii)(F) .....	.....	X	.....	.....
(l)(5)(viii)(F)	(l)(4)(ii)(G) .....	.....	.....	.....	.....
(l)(5)(viii)(I) .....	.....	.....	.....	X	.....

Revisions to the regulatory text are presented below, showing the location of the text, the current text, and the proposed text.

§ 679.5, paragraph	Current text	Proposed text
(l)(4)	(l)(5)(xi) Departure report	(l)(4) Departure report.
(l)(4)(i)(A)	(l)(5)(xi)(A) A vessel operator who intends to obtain a vessel clearance outside the State of Alaska must submit an IFQ departure report, by telephone, to OLE, Juneau, AK at 907-586-7225 or 800-304-4846.	(l)(4)(i)(A) <i>Time limit and submittal.</i> A vessel operator who intends to make an IFQ halibut, CDQ halibut or IFQ sablefish landing at any location other than in an IFQ regulatory area or in the State of Alaska must submit an IFQ Departure Report, by telephone, to OLE, Juneau, AK at 800-304-4846 or 907-586-7163 between the hours of 0600 hours, A.l.t., and 2400 hours, A.l.t.
(l)(4)(i)(B)	(l)(5)(vii) <i>Completion of fishing.</i> An IFQ vessel operator who obtains an IFQ vessel clearance may only obtain that IFQ vessel clearance after completion of all fishing. If any fishing takes place after issuance of an IFQ vessel clearance, the vessel operator must obtain a new IFQ vessel clearance.	(l)(4)(i)(B) <i>Completion of fishing.</i> A vessel operator must submit an IFQ Departure Report after completion of all fishing and prior to departing the waters of the EEZ adjacent to the jurisdictional waters of the State of Alaska, the territorial sea of the State of Alaska, or the internal waters of the State of Alaska when IFQ halibut, CDQ halibut or IFQ sablefish are on board.
(l)(4)(i)(C)	(l)(5)(iii) A vessel operator obtaining an IFQ vessel clearance or submitting a departure report must have a Registered Buyer permit.	(l)(4)(i)(C) <i>IFQ Registered Buyer permit.</i> A vessel operator submitting an IFQ Departure Report must have a Registered Buyer permit.
(l)(4)(i)(D)	(ix) <i>First landing of any species.</i> A vessel operator must land and report all IFQ species on board at the same time and place as the first landing of any species harvested during an IFQ fishing trip.	(l)(4)(i)(D) <i>First landing of any species.</i> A vessel operator submitting an IFQ Departure Report must submit IFQ Landing Reports for all IFQ halibut, CDQ halibut and IFQ sablefish on board at the same time and place as the first landing of any IFQ species.
(l)(4)(i)(E)	(l)(5)(iv) <i>IFQ permits on board.</i> A vessel operator obtaining an IFQ vessel clearance must ensure that one or more IFQ cardholders is on board with enough remaining IFQ balance to harvest amounts of IFQ fish equal to or greater than all IFQ halibut and IFQ sablefish on board.	(l)(4)(i)(E) <i>IFQ permits on board.</i> A vessel operator submitting an IFQ Departure Report must ensure that one or more IFQ cardholders are on board with enough remaining IFQ balance to harvest amounts of IFQ halibut, CDQ halibut or IFQ sablefish equal to or greater than all IFQ halibut, CDQ halibut and IFQ sablefish on board.
(l)(4)(ii)	(l)(5)(viii) <i>Required information.</i> To obtain an IFQ vessel clearance, the vessel operator must provide the following information to the clearing officer:	(l)(4)(ii) <i>Required information.</i> When submitting an IFQ Departure Report, the vessel operator must provide the following information:
(l)(4)(ii)(C)	(l)(5)(viii)(D) Vessel operator's IFQ Registered Buyer permit number.	(l)(4)(ii)(C) Vessel operator's name and IFQ Registered Buyer permit number.
(l)(4)(ii)(D)	(l)(5)(viii)(C) Name and permit numbers of IFQ permits used to harvest IFQ species on board.	(l)(4)(ii)(D) Halibut IFQ permit numbers and sablefish IFQ permit numbers of IFQ cardholders on board.
(l)(4)(ii)(E)	(l)(5)(viii)(G) IFQ areas of harvest.	(l)(4)(ii)(E) Halibut Regulatory Areas or Sablefish Regulatory Areas of harvest or both.
(l)(4)(ii)(F)	(l)(5)(viii)(E) Estimated total weight of IFQ halibut on board (1b/kg/mt).	(l)(4)(ii)(F) Estimated total weight of IFQ halibut or CDQ halibut on board (1b/kg/mt).

Section 679.5(l)(5)

IFQ Vessel Clearance. OLE reports that 65 Vessel Clearances were processed in 2001. This indicates that a relatively small number of all vessels making IFQ landings would be directly regulated by this provision. The Vessel Clearance requirement would be replaced with a verbal "Departure Report" submitted by telephone prior to leaving the jurisdiction of the Council. This would mean vessels would not have to meet an OLE officer dockside at a Primary Port. A Departure Report would be required for vessels delivering their IFQ fish outside Alaska.

All of paragraph (l)(5) of this section would be removed, except that some paragraphs are indicated elsewhere as redesignated for inclusion in other sections. This action would also amend the FMPs so that the intent of the FMPs incorporates the practical limitations of OLE to meet the requirements of the FMPs. OLE personnel are not currently able to effectively determine catch quantity at the Vessel Clearance port and are unable to seal a vessel's hold without compromising vessel safety.

Landing Verification and Record Retention. In this section, all of the regulatory text regarding landing verification and record retention would be placed under (l)(5).

Section 679.5(l)(6)

Sampling. All of the regulatory text regarding sampling would be placed under (l)(6). Detailed changes are given below:

§ 679.5, paragraph	Redesignated as	No change	Revised	Removed	Added
(l)(5) heading .....	.....	.....	X	.....	.....
first sentence of (l)(2)(v)	(l)(5)(i) .....	.....	X	.....	.....
(l)(6)	(l)(5)(ii) .....	.....	X	.....	.....
(l)(6) heading .....	.....	.....	X	.....	.....
First sentence of (l)(2)(v)	(l)(6)(i) .....	.....	X	.....	.....
Second sentence of (l)(2)(v)	(l)(6)(ii) .....	.....	X	.....	.....

Section 679.7 Prohibitions

This action would amend § 679.7(f)(6) to include the IFQ card requirement for a hired master. In addition, § 679.7(f)(12) would be revised to change the submittal time limit for the PNOL from 6 hours to 3 hours prior notice. Detailed changes are presented below:

§ 679.7, paragraph	Redesignated as	No change	Revised	Removed	Added
(f)(6)	X	.....	.....
(f)(12)	X	.....	.....

Revisions to the regulatory text are presented below, showing the location of the text, the current text, and the proposed text.

Location § 679.7, paragraph	Remove . . .	Add
(f)(6)	Make an IFQ halibut, IFQ sablefish, or CDQ halibut landing without an IFQ or CDQ card in the name of the individual making the landing.	<i>Landing.</i> (i) <i>IFQ or CDQ card.</i> Make an IFQ halibut, IFQ sablefish, or CDQ halibut landing without an IFQ or CDQ card in the name of the individual making the landing.
(f)(12)	Make an IFQ landing without prior notice of landing and before 6 hours after such notice, except as provided in § 679.5.	(ii) <i>Hired master.</i> Make an IFQ halibut, IFQ sablefish, or CDQ halibut landing without an IFQ or CDQ card listing the name of the hired master and the name of the vessel making the landing. Make an IFQ landing without a PNOL and before 3 hours after such notice, except as provided in § 679.5

Section 679.32 Groundfish and Halibut CDQ Catch Monitoring

This action would revise the reference in paragraph (f)(2)(iv) of this section to include paragraph (g) of this section for the PTR and paragraph (l) of this section for IFQ R&R. This would be necessary because participants in the CDQ halibut fishery are required to follow the IFQ regulations for R&R given in paragraph (l) of this section and requirements to file the PTR in paragraph (g) of this section.

Revisions to the regulatory text are presented below, showing the location of the text, the current text, and the proposed text.

Location § 679.32, paragraph	Remove . . .	Add
(f)(2)(iv)	A person may land halibut CDQ only if he or she has a valid halibut CDQ card, and that person may deliver halibut CDQ only to a person with a valid registered buyer permit. The person holding the halibut CDQ card and the Registered Buyer must comply with the requirements of § 679.51(l)(1) and (l)(2).	A person may land halibut CDQ only if he or she has a valid halibut CDQ card, and that person may deliver halibut CDQ only to a person with a valid registered buyer permit. The person holding the halibut CDQ card and the Registered Buyer must comply with the requirements of § 679.5(g) and (l).

Section 679.42 Limitations on Use of QS and IFQ

This action would correct the regulatory text of § 679.42 by removing incorrect reference to § 679.42(k), by separating the text into numbered subparagraphs, and by correcting the metric “equivalent” to 5,000 lb. The amounts described by pounds and metric tons are not equal, and this regulation is stating an exact amount in both pounds and metric tons. Other detailed changes for § 679.42 are presented below:

§ 679.42, paragraph	Redesignated as	No change	Revised	Removed	Added
(a)	X	.....	.....
(c)(1)(ii)	X	.....	.....
(c)(1)(iv)	X	.....	.....
(c)(2)(i)	X	.....	.....

Revisions to the regulatory text are presented below, showing the location

of the text, the current text, and the proposed text.

Location § 679.42, paragraph	Current text	Proposed text
(a)	The QS or IFQ specified for one IFQ regulatory area must not be used in a different IFQ regulatory area. Except as provided in paragraph (k) of this section or in § 679.41(i)(1) of this part, the IFQ assigned to one vessel category must not be used to harvest IFQ species on a vessel of a different vessel category. Notwithstanding, § 679.40(a)(5)(ii) of this part, IFQ assigned to vessel Category B must not be used on any vessel less than or equal to 60 ft (18.3 m) LOA to harvest IFQ halibut in IFQ regulatory area 2C or IFQ sablefish in the IFQ regulatory area east of 140° W. long. unless such IFQ derives from blocked QS units that result in IFQ of less than 5,000 lb (2.3 mt), based on the 1996 TAC for fixed gear specified for the IFQ halibut fishery and the IFQ sablefish fishery in each of these two regulatory areas.	(1) The QS or IFQ specified for one IFQ regulatory area must not be used in a different IFQ regulatory area. (2) Except as provided in § 679.41(i)(1) of this part, the IFQ assigned to one vessel category must not be used to harvest IFQ species on a vessel of a different vessel category. (3) Notwithstanding § 679.40(a)(5)(ii) of this part, IFQ assigned to vessel Category B must not be used on any vessel less than or equal to 60 ft (18.3 m) LOA to harvest IFQ halibut in IFQ regulatory area 2C or IFQ sablefish in the IFQ regulatory area east of 140° W. long. unless such IFQ derives from blocked QS units that result in IFQ of less than 5,000 lb, based on the 1996 TAC for fixed gear specified for the IFQ halibut fishery and the IFQ sablefish fishery in each of these two regulatory areas.
(c)(1)(ii)	Be aboard the vessel at all times during the fishing operation.	Be aboard the vessel at all times during the fishing trip and present during the landing.
(c)(1)(iv)	Sign the IFQ landing report required by § 679.5(l)(2)(ii)(C) and (iii)(B).	Sign the IFQ Landing Report required by § 679.5(l)(2)(iv)(D).
(c)(2)(i)	Except as provided in § 679.5(l)(2)(vi)(J)(2), if offload of unprocessed IFQ halibut, CDQ halibut or IFQ sablefish from a vessel, the scale weight of the halibut or sablefish product actually measured at the time of offload, as required by § 679.5(l)(2)(vi) to be included in the IFQ Landing Report.	Except as provided in § 679.5(l)(2)(iii)(J), if offload of unprocessed IFQ halibut, CDQ halibut or IFQ sablefish from a vessel, the scale weight of the halibut or sablefish product actually measured at the time of offload, as required by § 679.5(l)(2)(iii) to be included in the IFQ Landing Report.

Section 679.43 Determinations and Appeals

In addition to the changes in R&R for groundfish and the IFQ Program, paragraph 679.43(c) would be revised to correct the address for the Office of Administrative Appeals.

Revisions to the regulatory text are presented below, showing the location of the text, the current text, and the proposed text.

Paragraph	Current text	Proposed text
679.43(c)	Appeals must be in writing and must be submitted to the Office of Administrative Appeals, P.O. Box 21668, Juneau, AK 99802 or delivered to: Federal Building, 709 West 9th St., Room 801, Juneau, AK..	Appeals must be in writing and must be mailed to the: National Marine Fisheries Service, Office of Administrative Appeals, P.O. Box 21668, Juneau, AK 99802-1668 or delivered to: National Marine Fisheries Service, Attention: Appeals (OAA) 709 West 9th St., Room 453, Juneau, AK 99801.

Tables

Tables 14a, b, and c to 50 CFR part 679 are revised by removing the coordinates and indications for IFQ primary ports of landing and by indicating "other" for each State and Canada. The port of Vancouver, Canada, and code number 803 are added to Table 14b.

Classification

This proposed rule has been determined to be not significant for purposes of E.O. 12866.

This rule does not duplicate, overlap, or conflict with other Federal regulations.

This rule contains collection-of-information requirements subject to the Paperwork Reduction Act (PRA) and which have been approved by OMB. These requirements are listed by OMB control number.

OMB No. 0648-0272. These requirements and their associated

burden estimates per response are: 18 minutes for Landing Report and 12 minutes for Transshipment Authorization.

This proposed rule also contains revised requirements that have been submitted to OMB for approval. These requirements are listed by OMB control number.

OMB No. 0648-0213. This requirement and its associated burden estimate per response is: 14 minutes for Vessel Activity Report.

OMB No. 0648-0272. These revised requirements and their associated burden estimates per response are: 12 minutes for IFQ Prior Notice of Landing; 6 minutes for IFQ Departure Report; 6 minutes for IFQ Dockside sales receipt; 18 minutes for Shipment Report are removed; and 12 minutes for Vessel Clearance are removed.

OMB No. 0648-0213. This revised requirement and its associated burden

estimate per response is: 20 minutes for Product Transfer Report.

Response times include the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

Public comment is sought regarding: Whether this proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; the accuracy of the burden estimate; ways to enhance the quality, utility, and clarity of the information to be collected; and ways to minimize the burden of the collection of information, including through the use of automated collection techniques or other forms of information technology.

Send comments on these or any other aspects of the collection of information to NMFS, Alaska Region (see

ADDRESSES), and to OMB at the Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503 (Attention: NOAA Desk Officer).

Notwithstanding any other provision of the law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the PRA, unless that collection of information displays a currently valid OMB Control Number.

In general, these actions would improve the efficiency of data collection required under existing IFQ regulations and stem from a joint collaboration of the NOAA Office of Law Enforcement (OLE), Alaska Region, and members of the affected industry. Together, they agreed to changes to the R&R requirements for the IFQ program. These changes were further reviewed by the United States Coast Guard, the Council, and the International Pacific Halibut Commission. An IFQ Implementation Team has recommended adoption of these measures to the Council.

These actions would result in removing the IFQ Shipment Report and IFQ Vessel Clearance. As a consequence of their removal, other forms such as the IFQ Landing Report, IFQ Prior Notice of Landing, IFQ Departure Report, the Product Transfer Report and Vessel Activity Report are proposed to be changed. Definitions for "authorized officer", "clearing officer" and "IFQ landing" would be revised. Overall, these changes will result in improved economic efficiency for the affected fisheries by allowing the vessel operators additional time to find competitive prices at the processors. Furthermore, the action would relieve burdens on small entities, as concluded in the Regulatory Impact Review (RIR), by simplifying, combining and clarifying reporting forms and requirements.

NMFS determined that this proposed rule warrants a Categorical Exclusion from National Environmental Policy Act (NEPA) requirements for an EA. The changes proposed in this action are consistent with the intent and purpose of the Halibut Act with respect to halibut, the Magnuson-Stevens Act with respect to sablefish, and the groundfish FMPs.

These proposed actions—FMP amendments and amendment to regulations promulgated under the Groundfish FMP and Halibut Act—have been evaluated to determine the appropriateness of a Categorical Exclusion for preparation of a NEPA analysis. According to agency NEPA

guidance found at NAO 216–6, Section 5.05b, to qualify for a categorical exclusion from NEPA analysis, this agency needs to determine if (1) a prior NEPA analysis for the same action demonstrated that the action will not have significant impacts on the quality of the human environment; or (2) the proposed action is likely to result in significant impacts as defined in 40 CFR 1508.27. Further, according to section 6.02 of NAO 216–6, an action is disqualified from Categorical Exclusions for several reasons, including: (1) The action may be reasonably expected to jeopardize the sustainability of any target or non-target species that may be affected by the action; (2) the action may reasonably be expected to cause substantial damage to the ocean and coastal habitats and/or essential fish habitats defined under the MSA and identified in the FMPs; (3) the action may be reasonably expected to have a substantial adverse impact on public health or safety; (4) the action may be reasonably expected to adversely affect endangered or threatened species, marine mammals, or critical habitat of these species; (5) the action may be reasonably expected to result in cumulative effects that could have a substantial effect on the target species or non-target species; (6) the action may be expected to have a substantial impact on biodiversity and ecosystem function within the affected area; (7) if significant social or economic impacts are interrelated with significant natural or physical environmental effects than an Environmental Impact Statement (EIS) should discuss all the effects on the human environment; and (8) the degree to which the effects on the quality of the human environment are likely to be highly controversial.

For the following reasons, and in consideration of guidance under NAO 216–6, the prior NEPA analyses—the SEIS for Groundfish of the GOA and the SEIS for the Halibut IFQ program—provide sufficient analysis of the direct, indirect and cumulative impacts of the recordkeeping and reporting component to the IFQ fisheries affected here.

Further, none of the considerations under section 6.02 exist here given: (1) The nature of the action and its goals, that is that the action is a refinement of recordkeeping and reporting and seeks to reduce the time required for complying with such; and (2) that the action will reduce the window of time required for vessels to alert the agency that they will be offloading catch at processors.

As determined in the accompanying RIR and IRFA analyses, conservation and management goals will be

unaffected by the actions. The actions will not affect public health and safety and are not controversial. Because the actions do not alter fishing but rather landings and reporting, the actions will not affect the target or non-target species that are caught pursuant to the IFQ programs affected here. The actions do not establish any precedent or decision in principle about future proposals or result in cumulatively significant impacts nor have any adverse impacts on endangered or threatened species or their habitats.

In conclusion, these actions would improve the efficiency of data collection required under existing IFQ regulations and would implement those recommendations received from industry, enforcement and management. Based on the foregoing conclusions, these revisions to recordkeeping and reporting for the IFQ fisheries would not substantively alter environmental impacts already analyzed within existing environmental documents.

NMFS prepared an initial regulatory flexibility analysis that describes the impact this proposed rule, if adopted, would have on small entities.

The legislative authority for these actions is the Magnuson-Stevens Fishery Conservation and Management Act, Public Law (Pub. L.) 94–265, 16 U.S.C. 1801 (Magnuson-Stevens Act), and the Northern Pacific Halibut Act of 1982 (NPHA) Public Law 97–176, 16 U.S.C. 773 c (c).

Action 1

Under current regulations, operators of vessels making halibut or sablefish IFQ landings must notify the NOAA Fisheries Office for Law Enforcement six hours before the landing and must include the name of the Registered Buyer to whom they are delivering the IFQ fish. These regulations have been found to put IFQ fishermen at a disadvantage in their negotiations with Registered Buyers, to make it more difficult for Registered Buyers to market fresh product, and to reduce the ability of IFQ fishermen to respond to changing business conditions. The preferred alternative for this action would address these problems by reducing the notification time from six hours to three, and by eliminating the requirement that persons landing IFQ fish include the name of the Registered Buyer in the notification. Persons landing IFQ fish only would have to include the location of the landing in the notification.

The maximum number of directly regulated small entities would be approximately 3,485 holders of halibut QS, and 872 holders of sablefish QS. In addition, all six of the CDQ groups hold

CDQ halibut QS and would be directly regulated. A total of 270 individual fishermen landed CDQ halibut in 2001 and may be directly regulated by this regulatory change. NMFS/RAM issued 694 permits for Registered Buyers in 2001, and, of these, 215 reported landings. Registered Buyers also would be directly regulated by this change.

In general, this proposed rule would relieve burdens on small entities, especially vessel owners of IFQ's. Proposed changes may contribute to increased competition in the delivery market for IFQ halibut and sablefish and thus may have some adverse impact on less economically efficient Registered Buyers. There are no data available on whether or not this impact will occur, or on how serious it may be.

This action does not impose new record keeping requirements or duplicate, overlap or conflict with other Federal rules. NMFS considered an alternative to totally eliminate the prior notice of landing requirement. This might have relieved more of the burden on small entities (although it might still have adversely impacted less efficient Registered Buyers). However, this alternative would have adversely affected data-collection, monitoring, and enforcement operations. NMFS also considered an alternative to randomly apply the prior notice requirements to vessels. Under this system, some vessels would be relieved of a prior notice burden, but all vessels would have been subjected to additional "hail-out" reporting burdens when they put to sea. Port-sampling might be adversely impacted, with biases introduced into sampling methods that might affect the quality of data used in stock assessments. Therefore, neither of these alternatives was chosen as the preferred alternative.

Action 2

At the present time, vessels may only begin to land IFQ catch between 6 a.m. and 6 p.m. (the "offload window"). Industry has expressed an interest in extending the offload window later in the evening. However, industry has also indicated that if the preferred alternative in Action 1 were taken, the flexibility provided would make it unnecessary to extend the window. The preferred alternative, therefore, is continuation of the status quo.

The maximum number of affected small entities would be the approximately 3,485 persons (individuals, corporations, and other entities) who held halibut QS; 872 persons held sablefish QS. In addition, all six of the CDQ groups that hold CDQ halibut would be affected. A total of 270

individuals landed CDQ halibut in 2001 and may be affected by this regulation. NMFS/RAM issued 694 permits for Registered Buyers in 2001, and, of these, 215 reported landings. Registered Buyers also would be affected by this change in regulation.

This action does not appear to have an adverse impact on small entities. This action does not impose new record keeping requirements or duplicate, overlap, or conflict with other Federal rules.

Action 3

The preferred alternative for this action eliminates the requirement for vessels to pull into port to obtain a vessel clearance prior to leaving the EEZ off Alaska. IFQ permit holders state that the requirement is onerous and costly when they have to divert to come dockside for a clearance. They also say there are not enough port options for obtaining clearance in a timely fashion. The objective of this action is to reduce the burden on fishermen by substituting a verbal "departure report" for the currently-required vessel clearance. A verbal report would not diminish the ability to monitor and enforce catch reporting/quota requirements on vessels leaving the jurisdiction of the Council since other reporting mechanisms are available in the port of delivery to monitor those vessels.

As proposed, this preferred alternative for Action 3 would directly regulate the 1,451 unique vessels which made IFQ halibut landings, and 433 unique vessels which made sablefish landings in 2001. OLE reports that 65 vessel clearances were processed in 2001. This indicates that a relatively small number of all vessels making IFQ landings would be directly regulated by this provision, because to obtain the highest quality product, vessels generally offload halibut as soon as possible at a port of Alaska.

NMFS has not identified any adverse impacts to small entities from this action. It does not impose new record keeping requirements or duplicate, overlap or conflict with other federal rules. NMFS is not aware of any alternatives in addition to the alternatives considered that would accomplish the objectives of the Magnuson-Stevens Act and other applicable statutes and that would minimize the economic impact of the proposed rule on small entities.

Action 4

Regulations currently require that Registered Buyers of IFQ sablefish and halibut and CDQ sablefish report landings on a shipment report.

Processors are required to report groundfish landings on a separate product transfer report (PTR). Those processors that are also Registered Buyers must submit a PTR for groundfish and a shipment report for IFQ halibut and sablefish and for CDQ halibut. The IFQ fishing industry has expressed concern that this report is duplicative. The purpose of this action is to improve the transfer procedure paperwork and to eliminate some occurrence of duplication. For example under current regulations, an offload of IFQ halibut or sablefish generally also includes incidental groundfish harvest. A PTR is created for the incidental groundfish; a shipment report is created for the IFQ halibut or sablefish. In other words, two pieces of paper document one offload. With the proposed combination of the IFQ shipment report and the groundfish product transfer report, both the IFQ fish and the incidental groundfish would be reported on one document.

As proposed, the preferred alternative for action 4 would directly regulate Registered Buyers, all of whom are assumed to be "small business," based upon RFA criteria. NMFS/RAM issued 694 permits for Registered Buyers in 2001, and, of these, 215 reported landings. Therefore, some multiple of 215 shipment reports and an estimated two-thirds of these, or 144 PTRs, were submitted by Registered Buyers in 2001. The proposed change would eliminate the 144 PTRs.

This action would impose no adverse impacts on small entities, and it does not appear to impose new record keeping requirements or duplicate, overlap, or conflict with other Federal rules.

A copy of this analysis is available from NMFS (see **ADDRESSES**).

List of Subjects in 50 CFR Part 679

Alaska, Fisheries, Recordkeeping and reporting requirements.

Dated: January 6, 2003.

Rebecca Lent,

Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service.

For the reasons set forth in the preamble, 50 CFR part 679 is proposed to be amended as follows:

PART 679—FISHERIES OF THE EXCLUSIVE ECONOMIC ZONE OFF ALASKA

1. The authority citation for 50 CFR part 679 continues to read as follows:

Authority: 16 U.S.C. 773 *et seq.*, 1801 *et seq.*, and 3631 *et seq.*

2. In § 679.2, revise in alphabetical order the definitions for “Authorized officer,” “Clearing officer,” “IFQ landing,” “IFQ Permit Holder,” “IFQ Registered Buyer,” and “Transfer” to read as follows:

§ 679.2 Definitions.

Authorized officer means:

- (1) Any commissioned, warrant, or petty officer of the USCG;
- (2) Any special agent or fishery enforcement officer of NMFS;
- (3) Any officer designated by the head of any Federal or state agency that has entered into an agreement with the Secretary and the Commandant of the USCG to enforce the provisions of the Magnuson-Stevens Act or any other statute administered by NOAA; or
- (4) Any USCG personnel accompanying and acting under the direction of any person described in paragraph (1) of this definition.

* * * * *

Clearing officer means, a NOAA Fisheries Office for Law Enforcement (OLE) special agent, an OLE fishery enforcement officer, or an OLE enforcement aide.

* * * * *

IFQ landing means, the unloading or transferring of any IFQ halibut, CDQ halibut, IFQ sablefish, or products thereof from the vessel that harvested such fish or the removal from the water of a vessel containing IFQ halibut, CDQ halibut, IFQ sablefish, or products thereof.

IFQ permit holder means the person identified on an IFQ permit, at the time a landing is made, as defined at § 679.4(d)(1).

* * * * *

IFQ registered buyer means the person identified on a Registered Buyer permit, as defined at § 679.4(d)(3).

* * * * *

Transfer means:

(1) *Groundfish fisheries of the GOA and BSAI*. Any loading, offloading, shipment or receipt of any groundfish product by a mothership, catcher/processor, shoreside processor, or stationary floating processor, including quantities transferred inside or outside the EEZ, within any state's territorial waters, within the internal waters of any state, at any shoreside processor, stationary floating processor, or at any offsite meal reduction plant.

(2) *IFQ halibut, CDQ halibut, IFQ sablefish*. Any loading, offloading, shipment or receipt of any IFQ halibut, CDQ halibut, IFQ sablefish product, including quantities transferred inside or outside the EEZ, within any state's territorial waters, within the internal

waters of any state, at any shoreside processor, stationary floating processor, or at any offsite meal reduction plant.

* * * * *

3. In § 679.4, paragraph (d) is revised to read as follows:

§ 679.4 Permits.

* * * * *

(d) *IFQ permits, IFQ cards, and IFQ Registered Buyer permits*. The permits and cards described in this section are required in addition to the permit and licensing requirements prescribed in the annual management measures published in the **Federal Register** pursuant to § 300.62 of chapter III of this title and in the permit requirements of this section.

(1) *IFQ permit*. (i) An IFQ permit authorizes the person identified on the permit to harvest IFQ halibut or IFQ sablefish from a specified IFQ regulatory area at any time during an open fishing season during the fishing year for which the IFQ permit is issued until the amount harvested is equal to the amount specified under the permit, or until it is revoked, suspended, or modified under 15 CFR part 904.

(ii) A legible copy of any IFQ permit that specifies the IFQ regulatory area and vessel length overall from which IFQ halibut or IFQ sablefish may be harvested by the IFQ permit holder must be carried on board the vessel used by the permitted person to harvest IFQ halibut or IFQ sablefish at all times that such fish are retained on board.

(2) *IFQ card*. (i) An IFQ card authorizes the individual identified on the card to land IFQ halibut or IFQ sablefish for debit against the specified IFQ permit until the card expires, or is revoked, suspended, or modified under 15 CFR part 904, or cancelled on request of the IFQ permit holder.

(ii) An original IFQ card issued by the Regional Administrator must be on board the vessel that harvests IFQ halibut or IFQ sablefish at all times that such fish are retained on board. Except as specified in § 679.42(d), an individual that is issued an IFQ card must remain aboard the vessel used to harvest IFQ halibut or IFQ sablefish with that card during the IFQ fishing trip and at the landing site during all IFQ landings.

(iii) Each IFQ card issued by the Regional Administrator will display an IFQ permit number, the name of the individual authorized by the IFQ permit holder to land IFQ halibut or IFQ sablefish for debit against the permit holder's IFQ. In addition, IFQ cards issued to hired masters representing permit holders per § 679.42(i) and (j) will also display the ADF&G vessel

identification number of the authorized vessel.

(3) *Registered Buyer permit*. (i) A Registered Buyer permit authorizes the person identified on the permit to receive and make an IFQ landing by an IFQ permit or card holder at any time during the fishing year for which it is issued until the Registered Buyer permit expires, or is revoked, suspended, or modified under 15 CFR part 904.

(ii) A Registered Buyer permit is required of:

(A) Any person who receives IFQ halibut, CDQ halibut or IFQ sablefish from the person(s) who harvested the fish;

(B) Any person who harvests IFQ halibut or IFQ sablefish and transfers such fish in a dockside sale, outside of an IFQ regulatory area, or outside the State of Alaska.

(C) A vessel operator who submits a Departure Report (see § 679.5(l)(4))

(iii) A Registered Buyer permit is issued on a 3-year cycle by the Regional Administrator to persons that have a Registered Buyer application approved by the Regional Administrator.

(iv) A Registered Buyer permit is in effect from the date of issuance through the end of the current NMFS 3-year cycle, unless it is revoked, suspended, or modified under § 600.735 or § 600.740 of this chapter.

(4) *Issuance*. The Regional Administrator will renew IFQ permits and cards annually or at other times as needed to accommodate transfers, revocations, appeals resolution, and other changes in QS or IFQ holdings, and designation of masters under § 679.42.

(5) *Transfer*. The quota shares and IFQ issued under this section are not transferable, except as provided under § 679.41. IFQ cards and Registered Buyer permits issued under this paragraph (d) are not transferable.

(6) *Inspection*. (i) *IFQ permit and card*. The IFQ cardholder must present a copy of the IFQ permit and the original IFQ card for inspection on request of any authorized officer or Registered Buyer receiving IFQ species. Nothing in this paragraph would prevent an individual who is issued an IFQ card from being absent from the vessel used to harvest IFQ halibut or IFQ sablefish from the time the vessel arrives at the point of landing and the commencement of landing.

(ii) *Registered Buyer permit*. A legible copy of the Registered Buyer permit must be present at the location of an IFQ landing and must be made available by the Registered Buyer's representative for inspection on request of any authorized officer.

(7) *Validity.* An IFQ permit issued under this part is valid only if all IFQ fee liability of the IFQ permit holder that is due as a result of final agency action has been paid as specified in §§ 679.45 and 679.5(l)(7)(ii).

* * * * *

4. In § 679.5, paragraphs (a)(1)(ii)(A) and (B), (a)(15), (g), (k), and (l) are revised to read as follows:

§ 679.5 Recordkeeping and reporting.

(a) * * *

(1) * * *

(ii) * * *

(A) *Groundfish received.* A shoreside processor, stationary floating processor, mothership, or buying station subject to recordkeeping and reporting requirements must report all groundfish and prohibited species received, including fish received from vessels not required to have a federal fisheries permit; and fish received under contract for handling or processing for another processor.

(B) *Groundfish transferred.* A shoreside processor, stationary floating processor, or mothership subject to recordkeeping and reporting

requirements must report all groundfish and prohibited species transferred out of the facility or off the vessel.

* * * * *

(15) *IFQ/groundfish transfer comparison.* The operator, manager, or Registered Buyer may refer to the following table for submittal, issuance, and possession requirements for each type of IFQ or non-IFQ groundfish transfer activity. The locations of the paragraphs that describe the requirements of each activity are also given.

	Submittal			Issue		Possess
	VAR	PTR	IFQ Trans-shipment Authorization	IFQ Departure Report	IFQ Dockside Sale Receipt	IFQ Landing Report Receipt
(i) If a catcher vessel, mothership or catcher/processor leaving or entering Alaska with non-IFQ groundfish and no IFQ product onboard (see § 679.5(k))	X					
(ii) If a vessel leaving Alaska with IFQ sablefish or IFQ halibut but no other non-IFQ groundfish onboard (see § 679.5(l)(4))				X		
(iii) If a vessel leaving Alaska with IFQ sablefish or IFQ halibut and other non-IFQ groundfish onboard (see § 679.5(k) and 679.5(l)(4))	X			X		
(iv) Transfer of non-IFQ groundfish (see § 679.5(g))		X				
(v) Transfer of IFQ species from an IFQ Registered Buyer (see § 679.5(g))		X				
(vi) Transfer of IFQ species from IFQ Cardholder with a IFQ Registered Buyer permit in a dockside sale (see § 679.5(l)(5))					XXX	
(vii) Transfer of IFQ species from landing site to IFQ Registered Buyer's processing facility (see § 679.5(g)(1)(vi))						XX
(viii) Transfer of IFQ processed product between vessels (see § 679.5(l)(3))			XXXX			

X Indicates under what circumstances each report is submitted;

XX Indicates that the document must accompany the transfer of IFQ species from landing site to processor;

XXX Indicates receipt must be issued to each receiver in a dockside sale;

XXXX Indicates authorization must be obtained.

* * * * *

(g) *Product Transfer Report (PTR).* (1) *General Requirements.* Except as provided in paragraphs (g)(1)(i) through (vi) of this section, the operator of a mothership or catcher/processor, the manager of a shoreside processor or stationary floating processor must complete and submit a separate PTR for each transfer (shipment or receipt) of groundfish and donated prohibited species caught in groundfish fisheries. In addition, IFQ Registered Buyers must submit a separate PTR for each transfer (shipment only) of halibut or sablefish for which the Registered Buyer submitted an IFQ or CDQ Landing Report or was required to submit an IFQ or CDQ Landing Report. A PTR is not required to accompany a shipment or transfer.

(i) *Exemption: Bait sales (non-IFQ groundfish only).* The operator or manager may aggregate individual sales or transfers of non-IFQ groundfish to vessels for bait purposes during a day

onto one PTR when recording the amount of such bait product leaving a facility that day.

(ii) *Exemption: Retail sales.* For retail sales destined for human consumption and weighing less than 10 lb or 4.5 kilograms, the operator, manager, or IFQ Registered Buyer may aggregate and record on one PTR, the amount of such retail product transferred during one calendar day.

(iii) *Exemption: Wholesale sales (non-IFQ groundfish only).* The operator or manager may aggregate and record on one PTR, wholesale sales of non-IFQ groundfish by species when recording the amount of such wholesale species leaving a facility in one calendar day, if invoices detailing destinations for all of the product are available for inspection by an authorized officer.

(iv) *Exemption: IFQ Registered Buyers.* IFQ Registered Buyers are not required to submit a PTR for "receipt" of IFQ halibut, CDQ halibut, or IFQ sablefish.

(v) *Exemption: Dockside sales (IFQ only).* (A) A person holding a valid IFQ permit, IFQ card, and IFQ Registered Buyer permit may conduct a dockside sale of IFQ halibut or IFQ sablefish to a person who has not been issued an IFQ Registered Buyer permit.

(B) An IFQ Registered Buyer conducting dockside sales must issue a receipt to each individual receiving IFQ halibut or IFQ sablefish in lieu of a PTR. This receipt must include the date of sale or transfer, the IFQ Registered Buyer permit number, and the weight by product of the IFQ sablefish or IFQ halibut transferred.

(vi) *Exemption: transfer directly from the landing site to a processing facility (IFQ only).* A PTR is not required for transportation of unprocessed IFQ species directly from the landing site to a processing facility for processing the IFQ species, provided the following conditions are met:

(A) A copy of the IFQ Landing Report receipt (Internet or transaction terminal

receipt) documenting the IFQ landing accompanies the offloaded IFQ species while in transit.

(B) A copy of the IFQ Landing Report receipt is available for inspection by an authorized officer.

(C) For IFQ species transported in this manner, the IFQ Registered Buyer submitting the IFQ Landing Report must still complete a PTR for each transfer of IFQ halibut and IFQ sablefish from the processing facility.

(2) *Time limits and submittal.* The operator of a mothership or catcher/processor, an IFQ Registered Buyer, or manager of a shoreside processor or stationary floating processor must:

(i) *Record on PTR.* Record all product transfer information on a PTR within 2 hours of the completion of the transfer.

(ii) *Submit original PTR.* Submit by FAX or electronic file a copy of each

PTR to OLE, Juneau, AK (907-586-7313), by 1200 hours, A.l.t., on the Tuesday following the end of the applicable weekly reporting period in which the transfer occurred.

(iii) *Submit revised PTR.* Ensure that, if any information on the original PTR changes prior to the first destination of the shipment, a revised PTR is submitted by FAX or electronic file to OLE, Juneau, AK (907-586-7313), by 1200 hours, A.l.t., on the Tuesday following the end of the applicable weekly reporting period in which the change occurred.

(3) *General information.* The operator, manager, or IFQ Registered Buyer must record on a PTR:

(i) Whether original or revised PTR;

(ii) Whether you are the shipper or receiver;

(iii) Whether the shipment or receipt is for any combination of non-IFQ groundfish, IFQ products, or CDQ halibut products and record information for each product transferred per paragraph 679.5(g)(4) through (7). If shipment consists of donated prohibited species caught while participating in groundfish fisheries, mark the box "groundfish."

(4) *Receiver information.* If documenting receipt of non-IFQ groundfish, the operator or manager must check "Receiver"; enter your representative's name, telephone number, and FAX number; start and finish date and time of product transfer, position of product transfer (if applicable), port or location of transfer and:

Enter under "Receiver"	Enter under "Shipper"
Your processor's name and Federal fisheries or Federal processor permit.	Other processor's name, and Federal fisheries or Federal processor permit (if applicable).

(5)(i) *Shipper Information.* If documenting transfer of product away from your facility or transfer of product

off of your vessel, the operator, manager, or IFQ Registered Buyer must enter your representative's name, telephone

number, and FAX number, check "Shipper" and:

If you are shipping	Enter under "Shipper"
(A) Non-IFQ groundfish	Your processor's name, Federal fisheries or Federal processor permit number.
(B) IFQ halibut, CDQ halibut or IFQ sablefish	IFQ Registered Buyer name and permit number.
(C) Both non-IFQ groundfish and IFQ halibut, CDQ halibut or IFQ sablefish on the same PTR.	Your processor's name and Federal fisheries permit number or Federal processor permit number; or your IFQ Registered Buyer's name and permit number.

(ii) Using descriptions from the following table, enter receiver information, date and time of product

transfer, location of product transfer e.g., port, position coordinates, or city),

mode of transportation, and intended route.

If you are the shipper and ...	Then enter ...			
	Receiver	Date & Time of Product Transfer	Location of Product Transfer	Mode of Transportation & Intended Route
(A) Receiver is on land and transfer involves one van, truck, or vehicle.	Receiver name and Federal fisheries or Federal processor permit number (if any).	Date and time when shipment leaves the plant.	Port or city of product transfer.	Name of the shipping company; destination city and state or foreign country.
(B) Receiver is on land and transfer involves multiple vans or trucks.	Receiver name and Federal fisheries or Federal processor permit number (if any).	Date and time when loading of vans or trucks is completed each day.	Port or city of product transfer.	Name of the shipping company; destination city and state or foreign country.
(C) Receiver is on land and transfer involves one airline flight.	Receiver name and Federal fisheries or Federal processor permit number (if any).	Date and time when shipment leaves the plant.	Port or city of product transfer.	Name of the airline company; destination airport city and state.
(D) Receiver is on land and transfer involves multiple airline flights.	Receiver name and Federal fisheries or Federal processor permit number (if any).	Date and time of shipment when the last airline flight of the day leaves.	Port or city of product transfer.	Name of the airline company(s); destination airport(s) city and state.
(E) Receiver is a vessel and transfer occurs at sea.	Vessel name and call sign	Start and finish dates and times of transfer.	Transfer position coordinates in latitude and longitude, in degrees and minutes.	The first destination of the vessel.

If you are the shipper and ...	Then enter ...			
	Receiver	Date & Time of Product Transfer	Location of Product Transfer	Mode of Transportation & Intended Route
(F) Receiver is a vessel and transfer takes place in port.	Vessel name and call sign	Start and finish dates and times of transfer.	Port or position of product transfer.	The first destination of the vessel.
(G) Receiver is an agent (buyer, distributor, or shipping agent) and transfer is in a containerized van.	Agent name and location (city, state).	Transfer start and finish dates and times.	Port, city, or position of product transfer.	Name (if available) of the vessel transporting the van; destination port.
(H) You are aggregating individual retail sales for human consumption in quantities less than 10 lb (0.0045 mt) per sale during a day onto one PTR.	"RETAIL SALES"	Time of the first sale of the day; time of the last sale of the day.	Port or city of product transfer.	n/a.
(I) You are aggregating individual bait sales during a day onto one PTR (non-IFQ groundfish only).	"BAIT SALES"	Time of the first sale of the day; time of the last sale of the day.	Port or city of product transfer.	n/a.
(J) <i>Non-IFQ Groundfish only.</i> You are aggregating wholesale non-IFQ groundfish product sales by species during a single day onto one PTR and maintaining invoices detailing destinations for all of the product for inspection by an authorized officer.	"WHOLESALE SALES" ...	Time of the first sale of the day; time of the last sale of the day.	Port or city of product transfer.	n/a.

(6) *Products shipped or received.* The operator, manager, or IFQ Registered Buyer must record the following information for each product transferred:

(i) *Species code and product code.* The species code and product code (Tables 1 and 2 to this part).

(ii) *Species weight.* Use only if recording two or more species with one or more product types contained within the same production unit. Enter the actual scale weight of each product of each species to the nearest kilogram or pound (indicate which). If not applicable, enter "n/a" in the species weight column. If using more than one line to record species in one carton, use a brace "{" to tie the carton information together.

(iii) *Number of units.* Total number of production units (blocks, trays, pans, individual fish, boxes, or cartons; if iced, enter number of totes or containers).

(iv) *Unit weight.* Unit weight (average weight of single production unit as listed in "No. of Units" less packing materials) for each species and product code in kilograms or pounds (indicate which).

(v) *Total weight.* Total weight for each species and product code of shipment

less packing materials in kilograms or pounds (indicate which).

(7) *Total or partial offload.* (i) If a mothership or catcher/processor, the operator must indicate whether the transfer is a total or partial offload.

(ii) If a partial offload, for the products remaining on board after the transfer, the operator must enter: species code, product code, and total product weight to the nearest kilogram or pound (indicate which) for each product.

* * * * *

(k) *U.S. Vessel Activity Report (VAR)*—(1) *Who needs to submit a VAR?*—(i) *Fish or fish product onboard.* Except as noted in paragraph (k)(1)(iv) of this section, the operator of a catcher vessel greater than 60 ft (18.3 m) LOA, a catcher/processor, or a mothership required to hold a Federal fisheries permit issued under this part and carrying fish or fish product onboard must complete and submit a VAR by FAX or electronic file to OLE, Juneau, AK (907-586-7313) before the vessel crosses the seaward boundary of the EEZ off Alaska or crosses the U.S.-Canadian international boundary between Alaska and British Columbia.

(ii) *Combination of non-IFQ groundfish, IFQ halibut, CDQ halibut, and IFQ sablefish.* If a vessel is carrying non-IFQ groundfish and IFQ halibut,

CDQ halibut or IFQ sablefish, the operator must submit a VAR in addition to an IFQ Departure Report per paragraph (l)(4) of this section.

(iii) *Revised VAR.* If fish or fish products are landed at a port other than the one specified on the VAR, the vessel operator must submit a revised VAR showing the actual port of landing before any fish are offloaded.

(iv) *Exemption: IFQ Departure Report.* If a vessel is carrying only IFQ halibut, CDQ halibut, or IFQ sablefish onboard and the operator has submitted an IFQ Departure Report per paragraph (l)(4) of this section, a VAR is not required.

(2) *Information required.* Whether original or revised VAR; name and Federal fisheries permit number of vessel; type of vessel (whether catcher vessel, catcher/processor, or mothership); and representative information (see paragraph (b)(2) of this section).

(i) *Return report.* "Return," for purposes of this paragraph, means returning to Alaska. If the vessel is crossing into the seaward boundary of the EEZ off Alaska or crossing the U.S.-Canadian international boundary between Alaska and British Columbia into U.S. waters, indicate a "return" report and enter:

(A) Intended Alaska port of landing (see Table 14 to this part);

(B) Estimated date and time (hour and minute, Greenwich mean time) the vessel will cross;

(C) The estimated position coordinates the vessel will cross.

(ii) *Depart report*. "Depart" means leaving Alaska. If the vessel is crossing out of the seaward boundary of the EEZ off Alaska or crossing the U.S.-Canadian international boundary between Alaska and British Columbia into Canadian waters, indicate a "depart" report and enter:

(A) The intended U.S. port of landing or country other than the United States;

(B) Estimated date and time (hour and minute, Greenwich mean time) the vessel will cross;

(C) The estimated position coordinates in latitude and longitude the vessel will cross.

(iii) *The Russian Zone*. Indicate whether your vessel is returning from fishing in the Russian Zone or is departing to fish in the Russian Zone.

(iv) *Fish or fish products*. For all fish or fish products (including non-groundfish) on board the vessel, enter: Harvest zone code; species codes; product codes; and total fish product weight in lbs or to the nearest 0.001 mt.

(l) *IFQ halibut, CDQ halibut or IFQ sablefish recordkeeping and reporting*. In addition to the recordkeeping and reporting requirements in this section and as prescribed in the annual management measures published in the **Federal Register** pursuant to § 300.62 of this title, the following reports and authorizations are required, when applicable: IFQ Prior Notice of Landing, Product Transfer Report (see § 679.5(g) of this section), IFQ Landing Report, IFQ Transshipment Authorization, and IFQ Departure Report.

(1) *IFQ Prior Notice of Landing (PNOL)*—(i) *Time limits and submittal*.

(A) Except as provided in paragraph (l)(1)(iv) of this section, the operator of any vessel making an IFQ landing must notify OLE, Juneau, AK, no fewer than 3 hours before landing IFQ halibut or IFQ sablefish, unless permission to commence an IFQ landing within 3 hours of notification is granted by a clearing officer.

(B) A PNOL must be made to the toll-free telephone number 800-304-4846 or to 907-586-7163 between the hours of 0600 hours, A.l.t., and 2400 hours, A.l.t.

(ii) *Revision to PNOL*. The operator of any vessel wishing to land IFQ halibut or IFQ sablefish before the date and time (A.l.t.) reported in the PNOL or later than 2 hours after the date and time (A.l.t.) reported in the PNOL must submit a new PNOL as described in

paragraphs (l)(1)(i) and (iii) of this section.

(iii) *Information required*. A PNOL must include the following:

(A) Vessel name and ADF&G vessel registration number;

(B) Port of landing and port code from Table 14 to this part;

(C) Exact location of landing within the port (*i.e.*, dock name, harbor name, facility name, or geographical coordinates);

(D) The date and time (A.l.t.) that the landing will take place;

(E) Species and estimated weight (in pounds) of the IFQ halibut or IFQ sablefish that will be landed;

(F) IFQ regulatory area(s) in which the IFQ halibut or IFQ sablefish were harvested; and

(G) IFQ permit number(s) that will be used to land the IFQ halibut or IFQ sablefish and Registered Buyer name.

(iv) *Exemption*. An IFQ landing of halibut of 500 lb or less of IFQ weight determined pursuant to § 679.42(c)(2) and concurrent with a legal landing of salmon or a legal landing of lingcod harvested using dinglebar gear is exempt from the PNOL required by this section.

(2) *IFQ landing report*—(i) *Requirements*—(A) *All IFQ catch debited*. All IFQ halibut, CDQ halibut, and IFQ sablefish catch must be weighed and debited from the IFQ permit holder's account under which the catch was harvested.

(B) *Single offload site for halibut*. The vessel operator who lands IFQ halibut or CDQ halibut must continuously and completely offload at a single offload site all halibut on board the vessel.

(C) *Single offload site for sablefish*. The vessel operator who lands IFQ sablefish must continuously and completely offload at a single offload site all sablefish on board the vessel.

(D) *Remain at landing site*. Once landing operations have commenced, the IFQ cardholder and the harvesting vessel may not leave the landing site until the IFQ account is properly debited (as defined in paragraph (l)(2)(iv)(D) of this section).

(E) *No movement of IFQ halibut, CDQ halibut, or IFQ sablefish*. The offloaded IFQ halibut, CDQ halibut, or IFQ sablefish may not be moved from the landing site until the IFQ Landing Report is received by OLE, Juneau, AK, and the IFQ cardholder's account is properly debited (as defined in paragraph (l)(2)(iv)(D) of this section).

(ii) *Time limits*. (A) A landing of IFQ halibut, CDQ halibut, or IFQ sablefish may commence only between 0600 hours, A.l.t., and 1800 hours, A.l.t., unless permission to land at a different

time (waiver) is granted in advance by a clearing officer.

(B) A Registered Buyer must submit a completed IFQ Landing Report within 6 hours after all IFQ halibut, CDQ halibut, or IFQ sablefish are landed and prior to shipment or transfer of said fish from the landing site.

(iii) *Information required*. The Registered Buyer must enter accurate information contained in a complete IFQ Landing Report as follows:

(A) Date and time (A.l.t.) of the IFQ landing;

(B) Location of the IFQ landing (port code or if at sea, lat. and long.);

(C) Name and permit number of the IFQ card holder;

(D) Name and permit number of Registered Buyer receiving the IFQ species;

(E) The harvesting vessel's name and ADF&G vessel registration number;

(F) Gear type used to harvest IFQ species;

(G) Alaska State fish ticket number(s) for the landing;

(H) ADF&G statistical area of harvest reported by the IFQ cardholder;

(I) If ADF&G statistical area is bisected by a line dividing two IFQ regulatory areas, the IFQ regulatory area of harvest reported by the IFQ cardholder;

(J) For each ADF&G statistical area of harvest, the species codes, product codes, and initial accurate scale weight (in pounds or to the nearest thousandth of a metric ton) made at the time of offloading for IFQ species sold and retained. Exception: if the vessel operator is the Registered Buyer reporting the IFQ landing, the accurate weight of IFQ sablefish processed product obtained before the offload may be substituted for the initial accurate scale weight at time of offload.

(K) Whether ice and slime are present on the fish as offloaded from the vessel. Fish which have been washed prior to weighing or which have been offloaded from refrigerated salt water are not eligible for a 2-percent deduction for ice and slime and must indicate NO SLIME & ICE.

(L) If IFQ halibut is incidental catch concurrent with legal landing of salmon or concurrent with legal landing of lingcod harvested using dinglebar gear.

(M) After the Registered Buyer enters the landing data in the transaction terminal or the Internet submission form(s) and a receipt is printed, the Registered Buyer, or his/her representative, and the IFQ cardholder must sign the receipt(s) to acknowledge the accuracy of the Landing Report.

(iv) *Submittals*—(A) *Transaction terminal*. Except as indicated in paragraphs (l)(2)(iv)(B) and (C) of this

section, electronic Landing Reports must be submitted to OLE, Juneau, AK, using magnetic strip cards issued by NMFS, Alaska Region, and transaction terminals with printers driven by custom-designed software as provided and/or specified by NMFS, Alaska Region. The Registered Buyer must locate or procure a transaction terminal and report as required. The IFQ cardholder must initiate a Landing Report by using his or her own magnetic card and personal identification number (PIN).

(B) *Internet*. Electronic Landing Reports may be submitted to OLE, Juneau, AK, using Internet submission methods as provided and/or specified by NMFS, Alaska Region. It is the responsibility of the Registered Buyer to obtain at his or her own expense, hardware, software and Internet connectivity to support Internet submissions and report as required.

(C) *Manual landing report*. Waivers from the transaction terminal or Internet reporting requirement can only be granted in writing on a case-by-case basis by a local clearing officer. If a waiver is granted, manual landing instructions must be obtained from OLE, Juneau, AK, at 800-304-4846.

Registered Buyers must complete and submit manual Landing Reports by FAX to OLE, Juneau, AK, at 907-586-7313. When a waiver is issued, the following additional information is required: Whether the manual Landing Report is an original or revised; and name, telephone number, and FAX number of individual submitting the manual Landing Report.

(D) *Properly debited landing*. A properly concluded transaction terminal receipt, printed Internet submission receipt, or manual Landing Report receipt received by FAX from OLE, Juneau, AK, and signed by an OLE representative constitutes confirmation that OLE received the Landing Report and that the cardholder's account was properly debited.

(3) *Transshipment authorization*. (i) No person may transship processed IFQ halibut or IFQ sablefish between vessels without authorization by a local clearing officer. Authorization from a local clearing officer must be obtained for each instance of transshipment at least 24 hours before the transshipment is intended to commence.

(ii) *Information required*. To obtain a Transshipment Authorization, the vessel operator must provide the following information to the clearing officer:

(A) Date and time (A.l.t.) of transshipment;

(B) Location of transshipment;

(C) Name and ADF&G vessel registration number of vessel offloading transshipment;

(D) Name of vessel receiving the transshipment;

(E) Product destination;

(F) Species and product type codes;

(G) Total product weight;

(H) Time (A.l.t.) and date of the request;

(I) Name, telephone number, FAX number (if any) for the person making the request.

(4) *IFQ Departure Report*—(i) *General Requirements*—(A) *Time limit and submittal*. A vessel operator who intends to make an IFQ halibut, CDQ halibut, or IFQ sablefish landing at any location other than in an IFQ regulatory area or in the State of Alaska must submit an IFQ Departure Report, by telephone, to OLE, Juneau, AK, at 800-304-4846 or 907-586-7163 between the hours of 0600 hours, A.l.t., and 2400 hours, A.l.t.

(B) *Completion of fishing*. A vessel operator must submit an IFQ Departure Report after completion of all fishing and prior to departing the waters of the EEZ adjacent to the jurisdictional waters of the State of Alaska, the territorial sea of the State of Alaska, or the internal waters of the State of Alaska when IFQ halibut, CDQ halibut, or IFQ sablefish are on board.

(C) *IFQ Registered Buyer permit*. A vessel operator submitting an IFQ Departure Report must have an IFQ Registered Buyer permit.

(D) *First landing of any species*. A vessel operator submitting an IFQ Departure Report must submit IFQ Landing Reports for all IFQ halibut, CDQ halibut, and IFQ sablefish on board at the same time and place as the first landing of any IFQ species.

(E) *IFQ permits on board*. A vessel operator submitting an IFQ Departure Report must ensure that one or more IFQ cardholders are on board with enough remaining IFQ balance to harvest amounts of IFQ halibut, CDQ halibut or IFQ sablefish equal to or greater than all IFQ halibut, CDQ halibut and IFQ sablefish on board.

(ii) *Required information*. When submitting an IFQ Departure Report, the vessel operator must provide the following information:

(A) Intended date, time (A.l.t.), and location of landing;

(B) Vessel name and ADF&G registration number;

(C) Vessel operator's name and IFQ Registered Buyer permit number;

(D) Halibut IFQ Permit numbers and sablefish IFQ Permit numbers of IFQ cardholders on board;

(E) Halibut Regulatory Areas or Sablefish Regulatory Areas of harvest or both;

(F) Estimated total weight of IFQ halibut or CDQ halibut on board (lb/kg/mt);

(G) Estimated total weight of IFQ sablefish on board (lb/kg/mt).

(5) *Landing verification, inspection and record retention*—(i) *Verification and inspection*. Each IFQ landing and all fish retained on board the vessel making an IFQ landing are subject to verification and inspection by authorized officers.

(ii) *Record retention*. The IFQ cardholder must retain a legible copy of all Landing Report receipts and the Registered Buyer must retain a copy of all reports and receipts required by this section and make them available for inspection by an authorized officer:

(A) Until the end of the fishing year during which the records were made and for as long thereafter as fish or fish products recorded are retained; and

(B) Upon request of an authorized officer for 3 years after the end of the fishing year during which the records were made.

(6) *Sampling*—(i) Each IFQ halibut landing and all fish retained on board a vessel making an IFQ landing are subject to sampling by NMFS-authorized observers.

(ii) Each IFQ halibut landing is subject to sampling for biological information by persons authorized by the IPHC.

* * * * *

5. In § 679.7, paragraphs (f)(6) and (f)(12) are revised to read as follows:

§ 679.7 Prohibitions.

* * * * *

(f) * * *

(6) *Landing*—(i) *IFQ or CDQ card*. Make an IFQ halibut, IFQ sablefish, or CDQ halibut landing without an IFQ or CDQ card in the name of the individual making the landing.

(ii) *Hired master*. Make an IFQ halibut, IFQ sablefish, or CDQ halibut landing without an IFQ or CDQ card listing the name of the hired master and the name of the vessel making the landing.

* * * * *

(12) Commence an IFQ landing without a Prior Notice of Landing (PNOL), before the date and time stated on the PNOL, or more than 2 hours after the date and time stated on the PNOL, except as provided in § 679.5(l)(1).

* * * * *

6. In § 679.32, paragraph (f)(2)(iv) is revised to read as follows:

§ 679.32 Groundfish and halibut CDQ catch monitoring.

* * * *

(f) * * *

(2) * * *

(iv) *Landings.* A person may land halibut CDQ only if he or she has a valid CDQ card, and that person may deliver halibut CDQ only to a person with a valid Registered Buyer permit. The person holding the halibut CDQ card and the Registered Buyer must comply with the requirements of § 679.5(g) and (l).

* * * *

7. In § 679.42, paragraphs (a), (c)(1)(ii), (c)(1)(iv), and (c)(2)(i) are revised to read as follows:

§ 679.42 Limitations on use of QS and IFQ.

(a) *IFQ regulatory area and vessel category.* (1) The QS or IFQ specified for one IFQ regulatory area must not be used in a different IFQ regulatory area.

(2) Except as provided in § 679.41(i)(1) of this part, the IFQ assigned to one vessel category must not be used to harvest IFQ species on a vessel of a different vessel category.

(3) Notwithstanding § 679.40(a)(5)(ii), IFQ assigned to vessel Category B must not be used on any vessel less than or equal to 60 ft (18.3 m) LOA to harvest IFQ halibut in IFQ regulatory area 2C or IFQ sablefish in the IFQ regulatory area east of 140° W. long. unless such IFQ derives from blocked QS units that result in IFQ of less than 5,000 lb (2.268 mt), based on the 1996 TAC for fixed gear specified for the IFQ halibut fishery and the IFQ sablefish fishery in each of these two regulatory areas.

* * * *

(c) * * *

(1) * * *

(ii) Be aboard the vessel at all times during the fishing trip and present during the landing.

* * * *

(iv) Sign the IFQ Landing Report required by § 679.5(l)(2)(iii)(M) or § 679.5(l)(2)(iv)(C).

(2) * * *

(i) Except as provided in § 679.5(l)(2)(iii)(J), if offload of unprocessed IFQ halibut, CDQ halibut or IFQ sablefish from a vessel, the scale weight of the halibut or sablefish product actually measured at the time of offload, as required by § 679.5(l)(2)(iii) to be included in the IFQ Landing Report.

* * * *

8. In § 679.43, paragraph (c) is revised to read as follows:

§ 679.43 Determinations and appeals.

* * * *

(c) *Submission of appeals.* Appeals must be in writing and must be mailed to the: National Marine Fisheries Service, Office of Administrative Appeals (OAA), P. O. Box 21668, Juneau, AK 99802-1668, or delivered to National Marine Fisheries Service, Attention: Appeals (OAA), 709 W. 9th Street, Room 453, Juneau, AK 99801.

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9. In part 679, Tables 14a, 14b, and 14c are revised to read as follows:

TABLE 14A TO PART 679. PORT OF LANDING CODES, ALASKA ¹

Port name	NMFS code	ADF&G code
Adak	186	ADA
Akutan	101	AKU
Akutan Bay	102	
Alitak	103	ALI
Anchor Point	104	
Anchorage	105	ANC
Angoon	106	ANG
Aniak		ANI
Anvik		ANV
Atka	107	ATK
Auke Bay	108	
Baranof Warm Springs	109	
Beaver Inlet	110	
Bethel		BET
Captains Bay	112	
Chefornak	189	
Chignik	113	CHG
Chinitna Bay	114	
Cordova	115	
Craig	116	COR
Dillingham	117	CRG
Douglas	118	DIL
Dutch Harbor/Unalaska	119	DUT
Edna Bay	121	
Egegik	122	EGE
Ekuk		EKU
Elfin Cove	123	ELF
Emmonak		EMM
Excursion Inlet	124	XIP
False Pass	125	FSP
Fairbanks		FBK
Galena		GAL
Glacier Bay		GLB
Glennallen		GLN
Gustavus	127	GUS
Haines	128	HNS
Halibut Cove	130	
Hollis	131	
Homer	132	HOM
Hoonah	133	HNH
Hooper Bay	188	
Hydaburg		HYD
Hyder	134	HDR
Ikatan Bay	135	
Juneau	136	JNU
Kake	137	KAK
Kaltag		KAL
Kasilof	138	KAS
Kenai	139	KEN
Kenai River	140	
Ketchikan	141	KTN
King Cove	142	KCO
King Salmon	143	KNG

TABLE 14A TO PART 679. PORT OF LANDING CODES, ALASKA ¹—Continued

Port name	NMFS code	ADF&G code
Kipnuk	144	
Klawock	145	KLA
Kodiak	146	KOD
Kotzebue		KOT
La Conner		LAC
Mekoryuk	147	
Metlakatla	148	MET
Moser Bay		MOS
Naknek	149	NAK
Nenana		NEN
Nikiski (or Nikishka) ..	150	NIK
Ninilchik	151	NIN
Nome	152	NOM
Nunivak Island		NUN
Old Harbor	153	OLD
Other Alaska ¹	499	UNK
Pelican	155	PEL
Petersburg	156	PBG
Point Baker	157	
Port Alexander	158	PAL
Port Armstrong		PTA
Port Bailey	159	PTB
Port Graham	160	GRM
Port Lions		LIO
Port Moller		MOL
Port Protection	161	
Portage Bay (Petersburg) ..	162	
Quinhagak	187	
Resurrection Bay	163	
Sand Point	164	SPT
Savoonga	165	
Seldovia	166	SEL
Seward	167	SEW
Sitka	168	SIT
Skagway	169	SKG
Soldotna		SOL
St. George	170	STG
St. Lawrence	171	
St. Mary		STM
St. Paul	172	STP
Tee Harbor	173	
Tenakee Springs	174	TEN
Thorne Bay	175	
Togiak	176	TOG
Toksook Bay	177	
Tununak	178	
Ugadaga Bay	179	
Ugashik		UGA
Unalakleet		UNA
Valdez	181	VAL
Wasilla		WAS
West Anchor Cove ...	182	
Whittier	183	WHT
Wrangell	184	WRN
Yakutat	185	YAK

¹To report a landing at a location not currently assigned a location code number: use the code for "Other" for the state or country at which the landing occurs and notify NMFS of the actual location so that the list may be updated. For example, to report a landing for Levelock, Alaska if there is currently no code assigned, use "499" "Other, AK".

TABLE 14B TO PART 679.—PORT OF LANDING CODES: CALIFORNIA, OREGON, CANADA

Port name	NMFS code	ADF&G code
California:		
Eureka	500	EUR
Fort Bragg	501	
Other California	599	
Oregon:		
Astoria	600	AST
Lincoln City	602	
Newport	603	
Olympia .....	.....
Portland	POR
Warrenton	604	
Other Oregon	699	
Canada:		
Port Edward	800	PRU
Port Hardy	801	
Prince Rupert	802	

TABLE 14B TO PART 679.—PORT OF LANDING CODES: CALIFORNIA, OREGON, CANADA—Continued

Port name	NMFS code	ADF&G code
Vancouver	803	
Other Canada	899	

TABLE 14C TO PART 679.—WASHINGTON PORT OF LANDING CODES

Port name	NMFS code	ADF&G code
Anacortes	700	ANA
Bellevue	701	
Bellingham	702	
Blaine .....	.....
Edmonds	703	BLA
Everett	704	

TABLE 14C TO PART 679.—WASHINGTON PORT OF LANDING CODES—Continued

Port name	NMFS code	ADF&G code
Fox Island	706	LAC
Ilwaco	707	
La Conner	708	
Mercer Island	709	
Nagai Island	710	
Port Angeles	711	
Port Orchard	712	
Port Townsend	713	
Rainier	714	
Seattle	715	
Tacoma	SEA TAC
Other Washington	799	

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Magnuson-Stevens Fishery Conservation and Management Act

Public Law 94-265

As amended through October 11, 1996

SEC. 303. CONTENTS OF FISHERY MANAGEMENT PLANS 16 U.S.C. 1853

95-354, 99-659, 101-627, 104-297

(a) REQUIRED PROVISIONS.--Any fishery management plan which is prepared by any Council, or by the Secretary, with respect to any fishery, shall--

(1) contain the conservation and management measures, applicable to foreign fishing and fishing by vessels of the United States, which are--

(A) necessary and appropriate for the conservation and management of the fishery to prevent overfishing and rebuild overfished stocks, and to protect, restore, and promote the long-term health and stability of the fishery;

(B) described in this subsection or subsection (b), or both; and

(C) consistent with the national standards, the other provisions of this Act, regulations implementing recommendations by international organizations in which the United States participates (including but not limited to closed areas, quotas, and size limits), and any other applicable law;

(2) contain a description of the fishery, including, but not limited to, the number of vessels involved, the type and quantity of fishing gear used, the species of fish involved and their location, the cost likely to be incurred in management, actual and potential revenues from the fishery, any recreational interest in the fishery, and the nature and extent of foreign fishing and Indian treaty fishing rights, if any;

(3) assess and specify the present and probable future condition of, and the maximum sustainable yield and optimum yield from, the fishery, and include a summary of the information utilized in making such specification;

(4) assess and specify--

(A) the capacity and the extent to which fishing vessels of the United States, on an annual basis, will harvest the optimum yield specified under paragraph (3),

(B) the portion of such optimum yield which, on an annual basis, will not be harvested by fishing vessels of the United States and can be made available for foreign fishing, and

(C) the capacity and extent to which United States fish processors, on an annual basis, will process that portion of such optimum yield that will be harvested by fishing vessels of the United States;

(5) specify the pertinent data which shall be submitted to the Secretary with respect to commercial, recreational, and charter fishing in the fishery, including, but not limited to, information regarding the type and quantity of fishing gear used, catch by species in numbers of fish or weight thereof, areas in which fishing was engaged in, time of fishing, number of hauls, and the estimated processing capacity of, and the actual processing capacity utilized by, United States fish processors;

(6) consider and provide for temporary adjustments, after consultation with the Coast Guard and persons utilizing the fishery, regarding access to the fishery for vessels otherwise prevented from harvesting because of weather or other ocean conditions affecting the safe conduct of the fishery; except that the adjustment shall not adversely affect conservation efforts in other fisheries or discriminate among participants in the affected fishery;

(7) describe and identify essential fish habitat for the fishery based on the guidelines established by the Secretary under section 305(b)(1)(A), minimize to the extent practicable adverse effects on such habitat caused by fishing, and identify other actions to encourage the conservation and enhancement of such habitat;

(8) in the case of a fishery management plan that, after January 1, 1991, is submitted to the Secretary for review under section 304(a) (including any plan for which an amendment is submitted to the Secretary for such review) or is prepared by the Secretary, assess and specify the nature and extent of scientific data which is needed for effective implementation of the plan;

(9) include a fishery impact statement for the plan or amendment (in the case of a plan or amendment thereto submitted to or prepared by the Secretary after October 1, 1990) which shall assess, specify, and describe the likely effects, if any, of the conservation and management measures on--

(A) participants in the fisheries and fishing communities affected by the plan or amendment; and

(B) participants in the fisheries conducted in adjacent areas under the authority of another Council, after consultation with such Council and representatives of those participants;

(10) specify objective and measurable criteria for identifying when the fishery to which the plan applies is overfished (with an analysis of how the criteria were determined and the relationship of the criteria to the reproductive potential of stocks of fish in that fishery) and, in the case of a fishery which the Council or the Secretary has determined is approaching an overfished condition or is overfished, contain conservation and management measures to prevent overfishing or end overfishing and rebuild the fishery;

(11) establish a standardized reporting methodology to assess the amount and type of bycatch occurring in the fishery, and include conservation and management measures that, to the extent practicable and in the following priority--

(A) minimize bycatch; and

(B) minimize the mortality of bycatch which cannot be avoided;

(12) assess the type and amount of fish caught and released alive during recreational fishing under catch and release fishery management programs and the mortality of such fish, and include conservation and management measures that, to the extent practicable, minimize mortality and ensure the extended survival of such fish;

(13) include a description of the commercial, recreational, and charter fishing sectors which participate in the fishery and, to the extent practicable, quantify trends in landings of the managed fishery resource by the commercial, recreational, and charter fishing sectors; and

(14) to the extent that rebuilding plans or other conservation and management measures which reduce the overall harvest in a fishery are necessary, allocate any harvest restrictions or recovery benefits fairly and equitably among the commercial, recreational, and charter fishing sectors in the fishery.

97-453, 99-659, 101-627, 102-251, 104-297

(b) DISCRETIONARY PROVISIONS.--Any fishery management plan which is prepared by any Council, or by the Secretary, with respect to any fishery, may--

(1) require a permit to be obtained from, and fees to be paid to, the Secretary, with respect to--

(A) any fishing vessel of the United States fishing, or wishing to fish, in the exclusive economic zone [or special areas,]* or for anadromous species or Continental Shelf fishery resources beyond such zone [or areas]*;

(B) the operator of any such vessel; or

(C) any United States fish processor who first receives fish that are subject to the plan;

(2) designate zones where, and periods when, fishing shall be limited, or shall not be permitted, or shall be permitted only by specified types of fishing vessels or with specified types and quantities of fishing gear;

(3) establish specified limitations which are necessary and appropriate for the conservation and management of the fishery on the--

(A) catch of fish (based on area, species, size, number, weight, sex, bycatch, total biomass, or other factors);

(B) sale of fish caught during commercial, recreational, or charter fishing, consistent with any applicable Federal and State safety and quality requirements; and

(C) transshipment or transportation of fish or fish products under permits issued pursuant to section 204;

(4) prohibit, limit, condition, or require the use of specified types and quantities of fishing gear, fishing vessels, or equipment for such vessels, including devices which may be required to facilitate enforcement of the provisions of this Act;

(5) incorporate (consistent with the national standards, the other provisions of this Act, and any other applicable law) the relevant fishery conservation and management measures of the coastal States nearest to the fishery;

(6) establish a limited access system for the fishery in order to achieve optimum yield if, in developing such system, the Council and the Secretary take into account--

- (A) present participation in the fishery,
- (B) historical fishing practices in, and dependence on, the fishery,
- (C) the economics of the fishery,
- (D) the capability of fishing vessels used in the fishery to engage in other fisheries,
- (E) the cultural and social framework relevant to the fishery and any affected fishing communities, and
- (F) any other relevant considerations;

(7) require fish processors who first receive fish that are subject to the plan to submit data (other than economic data) which are necessary for the conservation and management of the fishery;

(8) require that one or more observers be carried on board a vessel of the United States engaged in fishing for species that are subject to the plan, for the purpose of collecting data necessary for the conservation and management of the fishery; except that such a vessel shall not be required to carry an observer on board if the facilities of the vessel for the quartering of an observer, or for carrying out observer functions, are so inadequate or unsafe that the health or safety of the observer or the safe operation of the vessel would be jeopardized;

(9) assess and specify the effect which the conservation and management measures of the plan will have on the stocks of naturally spawning anadromous fish in the region;

(10) include, consistent with the other provisions of this Act, conservation and management measures that provide harvest incentives for participants within each gear group to employ fishing practices that result in lower levels of bycatch or in lower levels of the mortality of bycatch;

(11) reserve a portion of the allowable biological catch of the fishery for use in scientific research; and

(12) prescribe such other measures, requirements, or conditions and restrictions as are determined to be necessary and appropriate for the conservation and management of the fishery.

97-453, 104-297

(c) PROPOSED REGULATIONS.--Proposed regulations which the Council deems necessary or appropriate for the purposes of--

(1) implementing a fishery management plan or plan amendment shall be submitted to the Secretary simultaneously with the plan or amendment under section 304; and

(2) making modifications to regulations implementing a fishery management plan or plan amendment may be submitted to the Secretary at any time after the plan or amendment is approved under section 304.